



## City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive  
October 22, 2014

Mayor Philip Levine  
Vice-Mayor Michael Grieco  
Commissioner Joy Malakoff  
Commissioner Micky Steinberg  
Commissioner Edward L. Tobin  
Commissioner Deede Weithorn  
Commissioner Jonah Wolfson

City Manager Jimmy L. Morales  
City Attorney Raul J. Aguila  
City Clerk Rafael E. Granado

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### ATTENTION ALL LOBBYISTS

**Chapter 2, Article VII, Division 3 of the City Code of Miami Beach, entitled "Lobbyists," requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the Office of the City Clerk. Questions regarding the provisions of the Code should be directed to the Office of the City Attorney.**

*Special note: In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to the alternate meeting date, which will only be held if needed. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.*

Meeting called to order at 8:30 a.m.

Invocation given by Rabbi Chaim Freidman from Congregation Ohr Chaim.

Pledge of Allegiance given by Thomas Mooney, Planning Director.

Rafael E. Granado, City Clerk, announced items added to the Commission Agenda and read the following separated items into the record:

### SEPARATED ITEMS:

C7B Separated by Commissioner Steinberg  
C7T and C7U Separated by Commissioner Tobin  
C4A, C7D, C7G and C7T Separated by Commissioner Wolfson

Handouts or Reference Materials:

1. List of separated items

**ADDENDUM MATERIAL 1:**  
R9U

**ADDENDUM MATERIAL 2:**  
R7O, R9V, R9W, R9X, R9X, R9Y and R9Z

**ADDENDUM MATERIAL 3:**  
C4D and R9AA

**SUPPLEMENTAL MATERIAL 1:**  
R7M - Resolution  
R7N - Memorandum

**SUPPLEMENTAL MATERIAL 2:**  
R7B – Memorandum and Resolution  
R9A2 – Larry Colin's Resume

**SUPPLEMENTAL MATERIAL 3:**  
R5F - Option B - Developer's Proposed Alternative Language

**SUPPLEMENTAL MATERIAL 4:**  
R9K - Election 2014 Voter's Guide

**ADDENDUM AGENDA**

**8:52:19 a.m.**

**ACTION:** Motion made by Commissioner Weithorn to add items C4D, R7O, R9U, R9V, R9W, R9X, R9Y R9Z and R9AA to the Commission Agenda; seconded by Commissioner Tobin; Voice-vote: 5-0; Absent: Vice-Mayor Grieco and Commissioner Wolfson.

Rafael E. Granado, City Clerk, announced that items R9G and R9L have been withdrawn. He also announced corrections for items C7K and C7U, formerly R9Z.

**Presentations and Awards**

Presentations and Awards will take place on October 29, 2014.

**CONSENT AGENDA**

**9:10:13 a.m.**

**ACTION:** Motion made by Commissioner Tobin; seconded by Commissioner Weithorn to approve the Consent Agenda except separated items; Voice-vote: 6-0; Absent: Commissioner Wolfson.

**C4 - Commission Committee Assignments****10:28:14 a.m.**

C4A Referral To The Planning Board - Proposed Amendments To The Land Development Regulations To Establish Demolition Procedures For All Properties In The City.

(Sponsored by the Land Use and Development Committee)

(Legislative Tracking: Planning)

**ACTION:** Item separated by Commissioner Wolfson. Direction was given to bring the item back to the November 19, 2014 Commission Agenda, including in the Agenda Item the draft Ordinance. Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

**DIRECTION:**

Bring back to the November 19, 2014 Commission Agenda with draft Ordinance

Commissioner Wolfson explained that, first, there is no Ordinance attached with the referral to the Planning Board and he requested to see the legislation that is being referred to see if it is going to become zoning in progress. Secondly, he has been advised that this legislation will have a major impact on the North Beach development, and requested to change the effective date.

Commissioner Weithorn stated that she asked a similar question, and was told that this Ordinance is changing only single-family homes built after 1942. She will continue to put on the record that any time the City Commission changes the demolition rules on anything that is commercial in nature they are going against the phased building permit. She reminded everyone that the City would probably need a phased building permit to build the Convention Center, and she does not want to do anything that could potentially jeopardize that project. She asked for clarification.

Discussion held.

Commissioner Wolfson requested to bring the item back next month with the attached Ordinance. By acclamation the Commission agreed to bring back the item to the November 19, 2014 Commission Meeting, and include the draft Ordinance.

Handout or Reference Material:

1. Email from Bret Cummins dated October 21, 2014 RE: Consent Agenda – Pull Items.

C4B Referral To The Finance And Citywide Projects Committee - Intermodal Facility At Mount Sinai Medical Center.

(Parking/Transportation)

**ACTION:** Item referred. Patricia Walker to place on the committee agenda. **Saul Frances and Jose Gonzalez to handle.**

- C4C Referral To The Neighborhood/Community Affairs Committee To Discuss A Way To Streamline The Process So That Miami Beach Senior High School Band Can Play In Public Venues.  
(Requested by Commissioner Edward L. Tobin)

**ACTION:** Item referred. Vania Pedraja to place on the committee agenda. **Marcia Monserrat and Max Sklar to handle.**

**ADDENDUM MATERIAL 3:**

- C4D Referral To The Finance & Citywide Projects Committee To Discuss The Issuance Of New Police And Parking Department Towing Permits To Beach Towing Services, Inc., And Tremont Towing, Inc.  
(Requested by Commissioner Jonah Wolfson)

**ACTION:** Item referred. Patricia Walker to place on the committee agenda. **Saul Frances to handle.**

**C6 - Commission Committee Reports**

- C6A Report Of The Land Use And Development Committee Meeting Of October 1, 2014: **1)** Discussion On Telecommunications Ordinance. **2)** Discussion On An Overlay Districts: a) Washington Avenue; b) North Beach. **3)** Discussion On Proposed Amendments To The City Code Pertaining To Alcoholic Beverage Establishments (Chapter 6); Requirements For Determining The Size And Square Footage Of "Accessory Uses" In Relation To The Main Permitted Use; And The Clarification Of Threshold Standards For Neighborhood Impact Establishments. **4)** Discussion Regarding An Ordinance Amendment To Chapter 106 Relating To Parking To Require A Parking Plan During Construction For Commercial Building Projects. **5)** a) Discussion On Revising A Proposed Amendment To The Land Development Regulations To Establish Demolition Procedures For All Properties In The City. **5)** b) Discussion Regarding Proposed Ordinance To Establish Demolition Procedures Outside Of Historic Districts, And The Potential Impact On Property Rights. **6)** Discussion On Possible Amendments To Chapter 6 And Chapter 142 Of The City Code. **7)** Discussion Of A Proposed Amendment To The Adjusted Grade Of Required Yards In Reference To Seawall Built At 5'7" NAVD. **8)** Discussion On Amending Chapter 118 Relating To Variance; To Modify The Land Development Code To Provide Exclusive Jurisdiction Over Distance Separation Variances For Alcohol Establishments To The Board Of Adjustment. **9)** Creation Of A Waiver To The Minimum Requirement Of 100 Hotel Rooms For Special (Series S) Liquor Licenses. **10)** An Ordinance Amendment Establishing Stand Alone Bars, Dance Halls And Entertainment Establishments Located In A CD-2 District In North Beach As A Conditional Use. **11)** Discussion On Proposed Amendments To The Single Family Home Ordinance (Rear Yard Swimming Pools).

**ACTION:**

**1)** Discussion On Telecommunications Ordinance.

**MOTION: MG/JM (2-0)**

Direct the Administration to schedule the matter for a workshop at the Planning Board on October 28, 2014, or sooner if a special meeting can be convened. Continue the item to the November 5, 2014 Land Use Committee meeting for further discussion.

**2) Discussion On An Overlay Districts: a) Washington Avenue; b) North Beach.**

**MOTION:** Continued to November 5, 2014 by Acclimation.

**3) Discussion On Proposed Amendments To The City Code Pertaining To Alcoholic Beverage Establishments.**

**MOTION: MG/JM (2-0)**

Direct the Administration to draft an Ordinance and return to the Committee on November 5, 2014.

**4) Discussion Regarding An Ordinance Amendment To Chapter 106 Relating To Parking To Require A Parking Plan During Construction For Commercial Building Projects.**

**MOTION: MG/JM (2-0)**

Direct the Administration to draft an Ordinance that will require parking plans for all commercial and residential projects, and return to the Committee on November 5, 2014.

**5) a) Discussion On Revising A Proposed Amendment To The Land Development Regulations To Establish Demolition Procedures For All Properties In The City.**

**5) b) Discussion Regarding Proposed Ordinance To Establish Demolition Procedures Outside Of Historic Districts, And The Potential Impact On Property Rights.**

**MOTION: MG/JM (2-0)**

Recommend that the City Commission re-refer the subject Ordinances to the Planning Board, in accordance with the Administration recommendations.

**City Clerk's Note:** See Item C4A.

**6) Discussion On Possible Amendments To Chapter 6 And Chapter 142 Of The City Code.**

**MOTION:** Continued to November 5, 2014 by Acclamation.

**7) Discussion Of A Proposed Amendment To The Adjusted Grade Of Required Yards In Reference To Seawall Built At 5'7" NAVD.**

**MOTION:** Continued to November 5, 2014 by Acclamation.

**8) Discussion On Amending Chapter 118 Relating To Variance; To Modify The Land Development Code To Provide Exclusive Jurisdiction Over Distance Separation Variances For Alcohol Establishments To The Board Of Adjustment.**

**MOTION: MG/JM (2-0)**

Recommend that the Planning Board transmit the proposed Ordinance back to the City Commission with a favorable recommendation, in accordance with the Administration recommendations.

**9) Creation Of A Waiver To The Minimum Requirement Of 100 Hotel Rooms For Special (Series S) Liquor Licenses.**

**MOTION:** Continued to November 5, 2014 by Acclamation.

**10) An Ordinance Amendment Establishing Stand Alone Bars, Dance Halls And Entertainment Establishments Located In A CD-2 District In North Beach As A Conditional Use.**

**MOTION: MG/JM (2-0)**

Recommend that the Planning Board transmit the proposed Ordinance back to the City Commission with a favorable recommendation, in accordance with the Administration recommendations.

**11) Discussion On Proposed Amendments To The Single Family Home Ordinance (Rear Yard Swimming Pools).**

**MOTION:** Continued to November 5, 2014 by Acclamation.

C6B Report Of The Neighborhood/Community Affairs Committee Meeting Of September 24, 2014: **1)** Discussion Regarding Workforce Housing. **2)** Discussion Regarding The Co-Designation Of 21<sup>st</sup> Street As Collins Park South And 22nd Street As Collins Park North. **3)** Discussion Regarding Removing The “Arthur Godfrey Road” Co-Name For 41<sup>st</sup> Street. **4)** Discussion Regarding Artist And Non-Profit Vendor Ordinances. **5)** Discussion Regarding Adding Pride/Rainbow Colors To The Street Signs From 10<sup>th</sup> To 20<sup>th</sup> Streets On Washington/Collins/Ocean, As Per The Recommendation Of The LGBT Business Enhancement Committee. **6)** Discussion Regarding Designating A Street “Women’s Club Way” To Honor The Historic Women’s Club In Miami Beach.

**ACTION:**

**1) Discussion Regarding Workforce Housing.**

**MOTION:** to have Administration bring the City Commission three recommendations. Recommendation 1: use the existing affordable housing buildings as workforce house. Recommendation 2: identify a building that does not receive federal dollars as a possible workforce house. This would allow the City Commission to set the AMI between 120% and 140% Recommendation 3: designate the west side of the P Lot, closest to Meridian Avenue as a possible location for a workforce housing building.

**City Clerk’s Note:** See Item R7F2 and R7F3.

**2) Discussion Regarding The Co-Designation Of 21<sup>st</sup> Street As Collins Park South And 22nd Street As Collins Park North.**

**MOTION:** By Commissioner Weithorn to move this item to Commission with positive recommendations. Seconded by Commissioner Tobin.

**City Clerk’s Note:** See Item C7P.

**3) Discussion Regarding Removing The “Arthur Godfrey Road” Co-Name For 41<sup>st</sup> Street.**  
Item deferred.

**4) Discussion Regarding Artist And Non-Profit Vendor Ordinances.**

**DIRECTION:** by Commissioner Tobin to bring this item back to NCAC with additional information on how to best regulate while still staying within the parameters of the law.

**5) Discussion Regarding Adding Pride/Rainbow Colors To The Street Signs From 10<sup>th</sup> To 20<sup>th</sup> Streets On Washington/Collins/Ocean, As Per The Recommendation Of The LGBT Business Enhancement Committee.**

**MOTION:** By Commissioner Weithorn to have administration work with Miami-Dade County on creating acceptable drawings on what the County would approve, inclusive of cost. Once that is done, have the item brought back to the Neighborhood/Community Affairs Committee. Seconded by Commissioner Steinberg.

**6) Discussion Regarding Designating A Street "Women's Club Way" To Honor The Historic Women's Club In Miami Beach.**

**MOTION:** By Commissioner Weithorn to move the item to Commission with positive recommendations. Seconded by Commissioner Tobin.

**City Clerk's Note:** See Item C7Q.

C6C Report Of The Flooding Mitigation Committee Meeting Of September 3, 2014: **1) Update From The Mayor's Blue Ribbon Panel On Flooding And Sea Rise. 2) Update Of Ongoing Projects. 3) Utilization Of Public Right Of Way Swale For Stormwater Management. 4) Discussion Of Grade Requirements For New And Remodeled Structures. 5) Status Of Hiring Of Staff Hydro Geologist.**

**ACTION:**

**1) Update From The Mayor's Blue Ribbon Panel On Flooding And Sea Rise.**

**ACTION:** Scott Robins, Panel Chair and Dwight Kraai, Panel Member attended. Scott said that he gave an update to the Planning Committee at the August 26, 2014 meeting and will be going back to give an update to the City Commission. Bruce Mowry, City Engineer reported that the pump stations at 10th and 14th Streets and in Sunset Harbour as well as new backflow preventers around the City, will be operational by October 1 in time for the King Tides.

**2) Update Of Ongoing Projects.**

**ACTION:** It was m/s/p that CIP be directed to get the lowest price from the current contractor of the Venetian Islands Project for a change order for the six pump stations and send onto the Commission as soon as possible.

**3) Utilization Of Public Right Of Way Swale For Stormwater Management.**

**ACTION:** It was recommended that as CIP implements projects throughout the City they go neighborhood by neighborhood working with residents to address encroachments on swales that interfere with flooding mitigation methods.

**4) Discussion Of Grade Requirements For New And Remodeled Structures.**

**ACTION:** Invite the Planning Director to the next meeting.

**5) Status Of Hiring Of Staff Hydro Geologist.**

**ACTION:** Invite Human Resources to attend the next Flooding Mitigation Meeting.



C6D Report Of The Joint Finance And Citywide Projects Committee And The Neighborhood/Community Affairs Committee Meeting Of September 24, 2014: **1)** Discussion Regarding Bicycle Safety Campaign With The Miami Beach Police Department, Decobike And Local Bicycle Rental. **2)** A. Discussion Regarding Financial Impact Of The Proposed Roadway Closure Applications For 87 Street And 87 Terrace Filed By 8701 Collins Development. B. Discussion Regarding A Resolution Approving The Vacation And Abandonment Of That Portion Of 87<sup>th</sup> Terrace East Of Collins Avenue, Consisting Of A 50 Foot Right-Of-Way (ROW) Containing Approximately 18,042 Square Feet In Total Lot Area, As Shown On The Plat Of Altos Del Mar Subdivision No. 2, Recorded In Plat Book 4, Page 162 Of The Public Records Of Miami-Dade County, In Favor Of 8701 Collins Development, LLC (The "Applicant"); With Such Vacation Subject To And Contingent Upon The City's Approval, And The City And Applicant's Execution, Of A Development Agreement Which, Among Other Terms And Conditions (1) Grants To The City A Perpetual Pedestrian Access Easement Across A Portion Of The Vacated City ROW, And (2) Ensures Applicant's Payment Of A Voluntary Monetary Contribution, In The Amount Of \$10.5 Million Dollars, To Be Used By The City For Public Purposes; And With Such Vacation Further Subject To And Contingent Upon Applicant's Satisfaction Of The Conditions Set Forth In This Resolution. **3)** Discussion Regarding South Shore Community Center, 833 6<sup>th</sup> Street, Miami Beach, Florida, Regarding Whether The City Should: 1) Renew Certain Existing Agreements, Including Various Expansions, Downsizes And Relocations; 2) Execute A New Lease Agreement With South Florida Workforce Investment Board; And 3) Increase The Additional Rent. **4)** Discussion Regarding Exploring Issues Brought Up In An Internal Audit Of The Miami Beach Police Athletic League (PAL), Specifically Regarding Utility Fees That Are Past Due. **5)** Discussion To Permit The Vacation Of A Right-Of-Way Parcel On The North Side Of 5860 North Bay Road And Approve A Storm Water Utility Easement, To Facilitate The City's Storm Water Improvements On The South Side Of The Same Property. **6)** Discussion Regarding Potential Purchase Of Air Rights For 6940 Abbott Avenue From AT&T For Future Development Of A Parking Garage In The North Beach Town Center. **7)** Discussion Regarding Police And Parking Department Towing Permit Requirements. **8)** Discussion To Consider A Request For Rent Relief From Penn 17, LLC., Regarding The Retail Space At The Pennsylvania Avenue Parking Garage. **9)** Discussion Regarding A New Program For Expedited Lien Searches With A Turn-Around Time Of One To Two Business Days; Charging Customers \$250.00 For An Expedited Certified Lien Search And \$300.00 For An Expedited Certified Condominium Lien Search Including Common Areas. **Joint Item: 10)** Discussion Regarding The Future Location Of 21<sup>st</sup> Street Teen Center In The Vicinity Of Miami Beach Senior High School.

#### **ACTION:**

**1)** Discussion Regarding Bicycle Safety Campaign With The Miami Beach Police Department, Decobike And Local Bicycle Rental.

The Committee recommended bringing in an expert to look at the City's infrastructure where bicycle safety can be improved.

**2)** A. Discussion Regarding Financial Impact Of The Proposed Roadway Closure Applications For 87 Street And 87 Terrace Filed By 8701 Collins Development.

B. Discussion Regarding A Resolution Approving The Vacation And Abandonment Of That Portion Of 87<sup>th</sup> Terrace East Of Collins Avenue, Consisting Of A 50 Foot Right-Of-Way (ROW).

The Committee recommended that the contribution of 10.5 million dollars be used only in the North Beach area with no less than 50% of it used for the North Beach Park (not to be spent on programing or staff). The Committee also recommended setting aside funding for renewal and



replacement to preserve the asset. Staff is to bring back different concepts of how to appropriate the funds to the Committee.

**3) Discussion Regarding South Shore Community Center, 833 6<sup>th</sup> Street, Miami Beach, Florida, Regarding Whether The City Should:**

1) Renew Certain Existing Agreements, Including Various Expansions, Downsizes And Relocations; 2) Execute A New Lease Agreement With South Florida Workforce Investment Board; And 3) Increase The Additional Rent.

The Committee recommended that South Florida Work Force (SFWF) pay for the full amount of operating expenses, which are \$15.86 per square foot since SFWF is a new tenant. The Committee further recommended that all existing tenants have their operating expenses increased over 3 years to \$11.06 per square foot. The Committee also recommended adding benchmarks to the leases in consideration for the \$1 per year base rent they receive. Staff is to draft the agreements and bring them back to the Finance Committee in October.

**City Clerk's Note:** See Item R7B.

**4) Discussion Regarding Exploring Issues Brought Up In An Internal Audit Of The Miami Beach Police Athletic League (PAL), Specifically Regarding Utility Fees That Are Past Due.**

The Committee recommended deferring this matter to the November Finance committee meeting. Internal Audit and Miami Beach Police Athletic League are to bring back the results of implementing the operational audit findings.

**5) Discussion To Permit The Vacation Of A Right-Of-Way Parcel On The North Side Of 5860 North Bay Road And Approve A Storm Water Utility Easement, To Facilitate The City's Storm Water Improvements On The South Side Of The Same Property.**

Item deferred to October meeting.

**6) Discussion Regarding Potential Purchase Of Air Rights For 6940 Abbott Avenue From AT&T For Future Development Of A Parking Garage In The North Beach Town Center.**

The Committee recommended hosting a North Beach Revitalization workshop for the City Commission and then simultaneously negotiating with AT&T.

**7) Discussion Regarding Police And Parking Department Towing Permit Requirements.**

Item deferred to November meeting.

**8) Discussion To Consider A Request For Rent Relief From Penn 17, LLC., Regarding The Retail Space At The Pennsylvania Avenue Parking Garage.**

The Committee directed staff to secure some form of rent payment from the tenant that shows their ability to pay. Also, under the City Manager's direction, hire an expert that can provide feedback on a lease modification that is in line with the current market rental rates for this location.

**9) Discussion Regarding A New Program For Expedited Lien Searches With A Turn-Around Time Of One To Two Business Days; Charging Customers \$250.00 For An Expedited Certified Lien Search And \$300.00 For An Expedited Certified Condominium Lien Search Including Common Areas. Joint Item:**

The Committee recommended placing a full time finance position in the September 30, 2014 budget that will allow customers to receive expedited certified lien searches. The lien search would increase to \$250.00 for an expedited certified lien search and \$300.00 for an expedited certified Condominium lien search that includes common areas.

**10) Discussion Regarding The Future Location Of 21<sup>st</sup> Street Teen Center In The Vicinity Of Miami Beach Senior High School.**

The Committee recommended going with Option 1, which is to design the new teen center as a two-story building and provide ground level parking underneath the teen center.

**C7 - Resolutions**

- C7A A Resolution Approving And Authorizing The City Manager Or His Designee To Take The Following Actions: 1) Submit A Grant Application To The Florida Junior Golf Council, For Funding In The Approximate Amount Of \$5,000 For The Normandy Shores Youth Golf Program; 2) Submit An Application To Florida Department Of State, Division Of Historical Resources For Funding In The Approximate Amount Of \$350,000 For The Restoration Of The 28th Street Obelisk; 3) Submit A Grant Application To The US Department Of Homeland Security, Federal Emergency Management Agency (FEMA), Emergency Food And Shelter Program, For Funding In The Approximate Amount Of \$40,000 For Phase 32 For Emergency Food And Shelter Assistance; And Retroactive Approval For The Following: 4) Submittal Of A Grant Application To Miami-Dade County Homeless Trust, For Inclusion In The Application To Be Submitted By The Miami-Dade County Continuum Of Care For The 2014/2015 U.S. HUD Notice Of Funding Availability (NOFA) For The Continuum Of Care Program, For Funding, In The Amount Of \$65,212, For The City's Homeless Outreach Program; 5) Submittal Of An Application To The Knight Foundation, Knight News Challenge On Libraries, For A Technology Access Program; 6) Submittal Of An Application To The United States Conference Of Mayors, Childhood Obesity Program For Funding In The Approximate Amount Of \$120,000 For A Food And Nutrition Program For Youth; Approving And Authorizing The Appropriation Of The Above Grants And Funding Requests, Including Any Requisite Matching Funds And City Expenses; And Further Authorizing The City Manager Or His Designee To Take All Necessary Steps And Execute All Necessary Documents In Connection With The Aforestated Grants And Funding Requests, Including, Without Limitation, Applications, Grant/Funding Agreements And Audits.

(Budget & Performance Improvement)

**ACTION: Resolution 2014-28769 adopted.** Patricia Walker to appropriate the funds if approved and accepted. **Judy Hoanshelt to handle.**

**09:10:54 a.m.**

- C7B A Resolution Accepting The Recommendation Of The City Manager To Reject The Single Proposal Received, Pursuant To Request For Qualifications (RFQ) No. 2014-237-JR: For Plans Review, Inspections And Permit Clerk Services; Authorizing A Continuing Month-To-Month Extension Of Contract Number RFP-47-08/09 For Plans Review And Building Inspector; And Authorizing The Issuance Of A New RFQ.

(Building/Procurement)

**ACTION: Resolution 2014-28770 adopted accepting the City Manager's recommendation.** Item separated for discussion by Commissioner Steinberg. Motion made by Commissioner Weithorn, seconded by Commissioner Steinberg; Voice vote 6-0; Absent: Commissioner Wolfson. **Mariano Fernandez and Alex Denis to handle.**

Commissioner Steinberg stated that she wanted to have the opportunity to hear about the bid protest filed on this item.

Michael Llorente, representing CAP Government, Inc., clarified that the bid protest was not intended as adversarial. CAP is a current City vendor and has a long-standing relationship with the City, and they hope that that relationship continues into the future. He thanked the City Manager and City Attorney for responding quickly to their letter, and raising procedures that they were not aware of. In regards to the policy issues raised in the letter, CAP Government offers supplemental staffing services to the City's Building Department. When the Building Department is short on inspectors or plan reviewers, they turn to CAP and companies like theirs, to provide certified, professional inspectors and reviewers on a temporary as needed basis. Most of the people in the industry have both government clients and private clients. CAP choose not to do that, and the reason is that they do not want to be in a position where they are working on behalf of one client, the City, and reviewing and conducting inspections of buildings that are being constructed by another client, the private developers. CAP made a decision long ago, as a matter of policy, to avoid and forego private businesses and focus entirely on government business in order to avoid conflicts. The City made a similar decision when it put out this RFQ to avoid those conflicts by including language that required the successful bidder to either have no work at the City or divest itself of that work upon being selected. They were the only bidder; they were reviewed by the selection committee and advanced with a favorable recommendation, but then dismissed as nonresponsive with the suggestion that one of their employees is involved with a separate company that may have some private business for the City. This was not a disqualifying event, according to the terms of the RFQ, which is why they filed a protest. They understand the City made some procedural arguments and understand that the City Manager has full discretion to dismiss all bids and start over again. They submit, though, to the City that if the City remains truly committed to maintaining a conflict-free Building Department and include a prohibition in a future solicitation, which they are happy to participate in, the result may be no different. They are the only company in South Florida with a long-standing solid institutional commitment to avoid the conflicts the City wants to avoid.

Raul J. Aguila, City Attorney, stated that this was the RFQ for plans review inspection and permits clerk services. They only receive one proposal, which was from Mr. Llorente's client CAP. CAP was deemed nonresponsive because individuals related to CAP represent private clients before the City. One of the criteria in the RFP was when one contracts with the City to do these services, then one cannot provide private provider services in the City of Miami Beach. However, the RFQ did allow proposers to divest themselves of private clients before undertaking representation for the City, which he thinks is what Mr. Llorente is saying.

Mr. Llorente explained that at this point CAP does not represent private companies before the City. There is an employee that he believes has one item on behalf of a private client before the City.

Discussion held.

Raul J. Aguila, City Attorney, summarized that they met with Mr. Llorente and Mr. Heckler, along with Alex Denis, and based upon the language in the RFP, which allows divestiture by the proposers, CAP would be responsive. However, the City Manager's recommendation was based on the fact that they only did get one proposal, and there is an opportunity that if you issue a new RFQ, the specs could be rewritten to allow the City to get more responses. Based upon that, the City Manager's recommendation is still valid. He added that the protest itself was denied on different issues: 1) the bid protest was not filed in a timely manner; and 2) the City Manager and City Commission have broad discretion to reject proposals. Concerning the responsiveness issue, under the language of the RFP, if CAP agreed to divest itself, CAP would be responsive.

Mr. Llorente recognizes, appreciates and respects that the City Manager has broad discretion to start the process over again. They would respectfully suggest that in the event the City decides to move in that direction, that this prohibition remain in place for the City's benefit, in order to preserve a conflict-free environment in the Building Department.

Commissioner Weithorn suggested supporting the City Manager's recommendation and added that if they rewrite it in such a way to get more responses to make them more comfortable, she is sure CAP will be there, because they are a leader in this field, and she would be more comfortable making a decision with more choices.

Motion made by Commissioner Weithorn to accept the City Manager's recommendation; seconded by Commissioner Steinberg.

Handout or Reference Materials:

1. Email from [michael.llorente@lsnpartners.com](mailto:michael.llorente@lsnpartners.com) dated October 20, 2014 RE: RFQ No. 2014-237; JR – Item C7B on October 22 Commission Agenda, with Letter and Memorandum attached.
2. Letter dated October 21, 2014 to Michael Llorente from Jimmy L. Morales, City Manager, RE: Protest Filed Pursuant to Award Recommendation on RFQ 2014-237-JR for Plans Review, Inspections and Permit Clerk Services.

C7C A Resolution Relating To Urging The State Legislature And The Federal Food And Drug Administration To Enact Regulations Requiring The Disclosure And Mandatory Labeling Of All Genetically Engineered Food Products; And In The Interim, Urge The Companies That Provide For The Distribution, Manufacturing And Production Crops Or Food Products To Voluntarily Label The Crops And Food Products That Have Been Genetically Engineered.

(Sponsored by Commissioner Micky Steinberg)  
(Legislative Tracking: Office of the City Attorney)

**ACTION: Resolution 2014-28771 adopted. Office of the City Attorney to handle.**

**10:30:45 a.m.**

C7D A Resolution To Urge The Children's Trust And The Miami-Dade County School Board To Support And Finance Comprehensive School-Based Health Centers In Miami Beach Public Schools; Particularly, By Placing A Center In The City Of Miami Beach At A Miami Beach Public School; And Sustain The Registered Nurse Health Suites Within Miami Beach Public Schools And Feeder Schools.

(Sponsored by Commissioner Micky Steinberg)  
(Legislative Tracking: Office of the City Attorney)

**ACTION: Resolution 2014-28772 adopted.** Item separated for discussion by Commissioner Wolfson. Motion made by Commissioner Steinberg; seconded by Commissioner Wolfson; Voice vote 7-0. **Office of the City Attorney to handle.**

Commissioner Wolfson stated that his understanding is that there is an issue with respect to the financing, and that the Children's Trust does not have the resources available.

Commissioner Steinberg clarified that she is requesting support from the Trust, and Commissioner Wolfson stated that he does not have a problem with that and seconded Commissioner Steinberg's motion to approve the Resolution.

- C7E A Resolution Electing Commissioner Joy Malakoff, Group III, As Vice-Mayor, For A Term Commencing On November 1, 2014 And Terminating On February 28, 2015, Or On Such Date When A New Vice-Mayor Is Thereafter Elected.  
(Office of the City Clerk)

**ACTION: Resolution 2014-28773 adopted. Rafael E. Granado to handle.**

- C7F A Resolution Approving And Authorizing The Issuance Of A Request For Letters Of Interest (RFLI) From Human Service Providers And Others In Anticipation Of Pursuing Grant Opportunities Through The Children's Trust; Local, State And Federal Funding Agencies; And Private Foundations; And Authorizing The City Manager Or His Designee To Execute Memoranda Of Understanding With Selected Entities, In Furtherance Of And Consistent With The Aforestated Funding Opportunities.  
(Housing & Community Services)

**ACTION: Resolution 2014-28774 adopted. Maria Ruiz to handle.**

**10:34:48 a.m.**

- C7G A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 3 To The Professional Services Agreement With Industrial/Organizational Solutions, Inc., Dated July 18, 2012, Said Amendment To Provide Additional Testing Services During The Third Contract Year For Classified Promotional Classifications In The Fire Department; And Requesting Additional Funding, In An Amount Not To Exceed \$71,000.  
(Human Resources)

**ACTION: Resolution 2014-28775 adopted.** Item separated for discussion by Commissioner Wolfson. Motion made by Commissioner Weithorn; seconded by Commissioner Steinberg; Voice vote 7-0. **Sylvia Crespo-Tabak to handle.**

Commissioner Wolfson stated that in the future, they should look into the cost of writing these voluminous exams, which he understands is \$75,000, and he thinks it is something that could be standardized for Lieutenants and Captains in the Fire Department. He is referring to tweaking old and new exams for cost savings purposes. He does not want to derail the issue, since he knows it needs to be done, but asked if an in-house employee could do this.

Sylvia Crespo-Tabak, Human Resources Director, explained that validated test writing is quite a skill, and it would cost the City significantly more to have the proper staff to do this for the City than what they are paying the consultant. When she checked the records, she saw that the last time a Captain and Lieutenant promotional test was written for the City, which was by a different vendor in 2011-2012, the City spent \$115,000. This vendor is nationally known, has a reputation in the public safety arena and stands behind the validity of his test.

Commissioner Wolfson added that the City outsources anything that they might have a concern with and understands what it is about this test that makes it impossible to pull it from other tests. This company is getting \$75,000 for taking a test that they used in another community upstate and just putting new semicolons and commas, and that is how they make money.

Sylvia Crespo-Tabak, Human Resources Director, explained that the company comes to the City; they ride with the officers, go out on calls, do job analysis and spend time with officers.



Discussion held.

Commissioner Wolfson suggested renegotiating with the company further. He thinks that as they enter into this agreement, they can brainstorm and come up with cost savings ideas for the tests. He also suggested asking for public records request from every community in Florida to obtain sample examples.

Sylvia Crespo-Tabak, Human Resources Director, explained that tests are not subject to public records.

Discussion continued.

Mayor Levine stated that Commissioner Wolfson's point is well taken, and they have to negotiate the fee as aggressive as possible and look for alternative ways so they do not get a massive bill.

Jimmy L. Morales, City Manager, stated that Chief Fernandez and he have discussed this issue. The Fire Department does not have a current accurate test for Captain and Lieutenant. Part of the challenge is for the Fire Department officers to raise the level of leadership and testing. They want tests to be tougher and better, so that the best are promoted and people rise to the challenge. Chief Fernandez and Human Resources are working on this and going forward they will certainly try to identify ways to improve the process and save money. **Sylvia Crespo-Tabak and Fire Chief Fernandez to handle.**

Commissioner Tobin explained that last year the Fire Department promoted 50 people to Lieutenant and Captain positions without testing. He has 100% confidence in Human Resources, but asked why would anybody be testing for the Lieutenant position when they specifically said that they are going to make up these "make-believe" Lieutenant and Captain positions, but in the future, they are not going to fill those "make believe" positions anymore. They should have a robust compliment of Lieutenants and Captains at this time, since they made all of the promotions for Lieutenants and Captains in a 30-day period.

Virgilio Fernandez, Fire Department Chief, explained that this is exactly what they are trying to avoid, and obviously, there was a problem with how everybody was promoted in the past. What they want to do is raise the bar. Because they now have up to date job descriptions, he does not see in the next two years the job changing that much. They will change the books to make sure they keep it competitive, but there are things that are particular to Miami Beach.

Discussion continued.

Motion to approve the Resolution made by Commissioner Weithorn; seconded by Commissioner Steinberg; Voice vote 7-0.

- C7H A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee To Pilot Strategic Pricing At Municipal Parking Lot No. P71 And A Commercial On-Street Parking Area, To Be Determined By The City Manager.  
(Parking)

**ACTION: Resolution 2014-28776 adopted. Saul Frances to handle.**



- C7I A Resolution Retroactively Approving And Authorizing The Acceptance Of The 1,200 Orchids Donated By Pine Ridge Orchids, Inc., Which Orchids Are Valued At \$20,730, And Were Planted Throughout The City's Park System.  
(Parks & Recreation)

**ACTION: Resolution 2014-28777 adopted. John Rebar to handle.**

- C7J A Resolution Authorizing The City Manager And City Clerk To Execute Mutual Aid Agreements With The Following Governmental Agencies: 1) Village Of El Portal, Florida; 2) Florida City, Florida; 3) City Of Hialeah, Florida; 4) City Of Homestead, Florida; 5) Indian Creek Village, Florida; 6) Village Of Key Biscayne, Florida; 7) Miami Shores Village, Florida; 8) City Of North Bay Village, Florida; 9) City Of North Miami, Florida; 10) City Of North Miami Beach, Florida; 11) Village Of Pinecrest, Florida; 12) City Of South Miami, Florida; 13) City Of Sunny Isles Beach, Florida; 14) Town Of Surfside, Florida; 15) City Of Sweetwater, Florida; 16) City Of Virginia Gardens, Florida; For The Purpose Of Coordinating Law Enforcement Planning, Operations, And Mutual Aid Benefit Between The City Of Miami Beach And Village Of El Portal, Florida City, City Of Hialeah, City Of Homestead, Indian Creek Village, Village Of Key Biscayne, Miami Shores Village, City Of North Bay Village, City Of North Miami, City Of North Miami Beach, Village Of Pinecrest, City Of South Miami, City Of Sunny Isles Beach, Town Of Surfside, City Of Sweetwater, And The City Of Virginia Gardens.  
(Police)

**ACTION: Resolution 2014-28778 adopted. Police Chief Dan Oates to handle.**

- C7K A Resolution Approving And Accepting An Easement From ~~Talmudic University~~ Talmudic College Alton Road, Inc. and M-4000 Alton Owner, LLC. ("Talmudic"), Said Easement To Be Located In The Northwest Corner Of The Property, Westerly And Adjacent To The City's Water Pump Station No. 41, For The Maintenance, Repair, Replacement, Relocation And Removal Of The City's Water Main.  
(Public Works)

**ACTION: Resolution 2014-28779 adopted. Eric Carpenter to handle.**

Correction: In the Summary, Memorandum and Resolution, change all references from "Talmudic University" to Talmudic College 4000 Alton Road, Inc., and M-4000 Alton Owner, LLC.

- C7L A Resolution Waiving By 5/7<sup>th</sup> Vote, The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City, And Authorizing The City Manager To Execute A Letter Of Agreement With Jewish Community Services Of South Florida, Inc., In The Amount Of \$44,000, For Provision Of Litter Control And Sanitation Support Services, Through JCS's HOPE Program, In The Area From 5<sup>th</sup> To 11<sup>th</sup> Streets, Between Lenox And Meridian Avenues.  
(Public Works)

**ACTION: Resolution 2014-28780 adopted. Eric Carpenter to handle.**

- C7M A Resolution Approving Pursuant To 2-367(d), Of The City Code, The Sole Source Purchase Of Software Updates For Geographic Information Systems (GIS) And Authorizing The City Manager And City Clerk To Execute A Small Municipal And County Government Enterprise License Agreement (ELA) With Environmental Systems Research Institute, Inc. (ESRI) For A Three (3) Year Period, At An Annual Cost Of \$50,000.  
(Public Works/Procurement)

**ACTION: Resolution 2014-28781 adopted. Eric Carpenter and Alex Denis to handle.**

- C7N Execute JPA With FDOT For Turf And Landscape Maintenance Services On MacArthur Causeway And Julia Tuttle Causeway  
1. A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Joint Participation Agreement (JPA) With The Florida Department Of Transportation (FDOT) For The Turf And Landscape Maintenance Services On I-395 (MacArthur Causeway), From The East Side Of Watson Island, To The West Side Of East Channel Bridge, At An Annual Cost Of \$22,774.20, To Be Paid To The City By FDOT; Said Agreement Commencing On November 1, 2014, And Concluding On October 31, 2015, With An Option To Renew For Two (2) Additional Years.  
(Public Works)

**ACTION: Resolution 2014-28782 adopted. Eric Carpenter to handle.**

2. A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Joint Participation Agreement (JPA) With The Florida Department Of Transportation (FDOT) For The Turf And Landscape Maintenance Services On I-195 (Julia Tuttle Causeway), From The East Side Of The Intracoastal Waterway, To The Easternmost Edge Of Alton Road, At An Annual Cost Of \$260,000, To Be Paid To The City By FDOT; Said Agreement Commencing On November 10, 2014, And Concluding On November 9, 2015, With An Option To Renew For Two (2) Additional Years.  
(Public Works)

**ACTION: Resolution 2014-28783 adopted. Eric Carpenter to handle.**

- C7O A Resolution Retroactively Approving And Authorizing The City Manager To Issue A Certification Of Consistency With The City's FY 2013-2017 Consolidated Plan To The Miami-Dade County Homeless Trust (Trust) For Their Application Of Funding Through The U.S. Department Of Housing And Urban Development's (HUD) Notice Of Funding Availability (NOFA) For The Continuum Of Care (CoC) Program; Further Authorizing The City Manager To Execute Any Subsequent Certifications Of Consistency With The City's Consolidated Plan For Renewal And New Applications Of Funding For: The City's Homeless Services Program; Carrfour Supportive Housing, Inc.; And Douglas Gardens Community Mental Health Center Of Miami Beach, Inc., To Continue Providing Outreach, Housing And Supportive Services To Homeless Persons In Miami Beach.  
(Housing & Community Services)

**ACTION: Resolution 2014-28784 adopted. Maria Ruiz to handle.**

- C7P A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee And Setting A Public Hearing For The Co-Designation Of 21<sup>st</sup> Street As "Collins Park South" And 22nd Street As "Collins Park North."  
(Transportation)

**ACTION: Resolution 2014-28785 adopted.** Public Hearing scheduled for November 19, 2014. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **Jose Gonzalez to handle.**

- C7Q A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee And Setting A Public Hearing For The Co-Designation Of 24th Street Between Pine Tree Drive And Flamingo Drive As "Miami Beach Women's Club Way."  
(Requested By Commissioner Weithorn)  
(Legislative Tracking: Transportation)

**ACTION: Resolution 2014-28786 adopted.** Public Hearing scheduled for November 19, 2014. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **Jose Gonzalez to handle.**

- C7R A Resolution Authorizing The Administration To Negotiate Amendment No. 2 To The Contract Between The City And Inktel Contact Center Solutions LLC (Inktel), Dated April 26, 2013; Said Amendment Increasing The Scope Of Services To Include Call Center Services For The Transportation Department, For An Amount Not To Exceed \$46,000 Annually; And Further Authorizing The City Manager And City Clerk To Execute Amendment No. 2 Upon Conclusion Of Successful Negotiations By The Administration.  
(Transportation)

**ACTION: Resolution 2014-28787 adopted. Jose Gonzalez to handle.**

- C7S A Resolution Approving A Settlement Agreement With International Nonwovens And Disposables Association (INDA) Of The Nonwoven Fabrics Industry In Connection With The IDEA 2016 Show In An Amount Not To Exceed Two Hundred Seventy-Five Thousand Dollars (\$275,000).  
(Tourism, Culture & Economic Development)

**ACTION: Resolution 2014-28788 adopted. Max Sklar to handle.**

**8:55:23 a.m.****10:42:04 a.m.**

C7T A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee With Respect To Hiring A Commercial Real Estate Broker To Analyze The City-Owned Retail Space Located At 1661 Pennsylvania Avenue, Miami Beach, Florida 33139, Which Is The Subject Of A Lease (Lease) Between The Miami Beach Redevelopment Agency (RDA) And The City (Collectively, Lessor) And Penn 17, LLC (Lessee); And Requiring Lessee To Retroactively Pay Interim Base Rent, In The Amount Of \$24,474.00, Plus Common Area Maintenance (CAM) As Required Under The Lease, All With Applicable Sales Tax, Effective July 1, 2014, Pending Receipt Of The Analysis And Completion Of Negotiations; And Further Providing That If Lessee Fails To Pay Said Interim Base Rent And CAM, Tenant Shall Be Considered In Default Under The Lease.

(Tourism, Culture & Economic Development)

**ACTION: Resolution 2014-28789 adopted.** Item separated for discussion by Commissioners Tobin and Wolfson. Motion made by Commissioner Tobin to adopt the Resolution; seconded by Vice-Mayor Grieco. Voice-vote: 6-0; Absent: Commissioner Wolfson. **Office of the City Attorney and Max Sklar to handle.**

**RECOMMENDATIONS:**

- ✓ Office of the City Attorney to do what is necessary to preserve the City's rights under the contract.
- ✓ List property out to market and negotiate with local brokers.
- ✓ Space lease to one tenant or a group of tenants.

Max Sklar, Tourism, Culture and Economic Development Director, explained that the item was discussed at the Finance and Citywide Projects Committee and their recommendation was to hire a broker as a consultant to help analyze the space. The Committee also recommended that the operator pay back rent up to the amount that they have proffered, for the period of time that would have started July of this year, going forward until a final decision can be made on the rent abatement requested. They are seeking advice before proceeding to reach out to a broker for their services.

In answering Mayor Levine's question, Mr. Sklar answered that in the four years they have had a lease with the current operator, they have had three amendments, which included abatement or rent deferrals. This would be the fourth, if approved by the Commission.

Discussion held.

Commissioner Tobin clarified that at the Finance and Citywide Projects Committee, he recommended hiring a broker, but he does not think that is necessary. He suggested going after two or three good brokers in the City and tell them they are thinking about listing the property. The general sentiment is that the season is coming; he has heard that the restaurant is a great restaurant, but he just does not know if they are going to be successful in this big space.

Mayor Levine stated that chances are that this operator will struggle forever. There is a need for a first class operator in that restaurant space. You need to go out to market and lease it out, and get a real operator in there.

Discussion held.

Commissioner Malakoff thinks the current operator does a good job and he is trying hard; however, he may not have the marketing dollars he needs. She suggested moving forward to see what brokers have to say about the space. She believes the space should be divided, as it is too much for one operator. Her preference is to have a local operator rather than a national chain, as she encourages small businesses in Miami Beach.

Commissioner Weithorn explained that this is an operator who will be with them during the worst of times, during the Convention Center construction, so they ask them to do what is fair now, because it may be different from what is fair to do later. She wants to resolve this once and for all in fairness to the tenant and the City; let the operator understand what the business model is, and either they can make it or cannot, but the last thing they want is to open a new Convention Center and have that space under construction.

Discussion continued.

Max Sklar, Tourism, Culture and Economic Development Director, clarified that the operator had requested rent abatement through November and they did not want to go back in time and pay any past due rents. The current rent is \$75 per square foot, and what they are proposing is a percentage of growth with a minimum guarantee of about \$25 a square foot.

Discussion held.

Commissioner Tobin suggested listing the property on the market and seeing what is out there.

Discussion continued.

Vice-Mayor Grieco asked if the tenant has been given a note of default or if the City has taken legal action, and the answer was no. His concern is that the current operator has a lease until 2021. Until the Convention Center project is completed, that is a tough space for that big a restaurant, unless there is a national operator in there that is a "destination restaurant."

Discussion continued.

Mayor Levine asked that each Commissioner imagine that they own this piece of real estate and it is their money invested, and treat it as such.

Commissioner Tobin suggested putting it on the market, to see who has ideas for the space. More importantly, if a tenant is in default under their lease over several months, it is malpractice and malfeasance not to give your tenant a notice of default under the lease provision. The City's rights must be protected under the contract.

Discussion continued regarding notice of default and protecting the City's rights.

Vice-Mayor Grieco added that if they do not default the operator, the current operator can sell the restaurant including the lease, and the City could inherit an operator that they do not want. The cards are on the City's side now, even if it is just to default and renegotiate the contract.

Mayor Levine agreed, and if they were to take the space back, and find another tenant, the City would be entitled to some very significant upfront money for this space, on top of the lease, because of the fact that it is so built out and ready to go.

Jimmy L. Morales, City Manager, explained the reason they have not declared default. He stated that at the Commission Meeting in July, the Oolite Restaurant representative came before this Commission presenting that they could not make payments. The direction from the Commission was to refer the item to the Finance and Citywide Projects Committee to see what could be worked out. The Administration felt that default would be inconsistent.

Commissioner Tobin explained that they have to protect the City's interests. Whether or not they are going to give them some benefit or grace down the road, it does not mean they are going to take action to the City's detriment, and not give the tenant a notice of default.

Vice-Mayor Grieco suggested noticing the operator; they do have to take any follow-up legal action necessarily, but that notice will start the clock, and then at that point they can put it on the market and start feeling offers from brokers and see if there is interest from another operator.

Raul J. Aguila, City Attorney, explained that if the City puts the tenant in default, and they fail to cure, then the next logical step would be to take the premises over, to evict them. If the tenant is in default and they do not pay the unpaid rent, what do you want the Office of the City Attorney to do?

Mayor Levine suggested that at that point, if the City Commission decides to negotiate with them, they would be negotiating perhaps to force a division of the property where the tenant gets a smaller space.

Discussion continued regarding notice of default and preserving the City's rights.

Motion made by Commissioner Tobin to have the Office of the City Attorney decide what they need to do to preserve all of the City's rights under the contract. He suggested going to market and talk to some of the brokers in town and let them know that this property is in play for the right tenant or group of tenants; seconded by Vice-Mayor Grieco. Voice-vote: 6-0; Absent: Commissioner Wolfson. **Office of the City Attorney and Max Sklar to handle.**

**10:42:04 a.m.**

Commissioner Wolfson explained that one of the issues with this property is that the last broker who handled it got the entire broker's fee upfront for ten years, and he suggested to have staff go back to the last broker, before hiring a new broker, explain that the City did not get the benefit of the last deal, and negotiate with the last broker to make it right.

Mayor Levine explained that direction given was to protect the City's rights; the City Attorney will notify the tenant that they are in default and will go back to brokers.

Discussion continued.

Commissioner Wolfson requested to give the current operator a chance to negotiate first.

Commissioner Malakoff stated that the current operator is saying that it is his understanding that they are looking at a two tier lease structure considered to address the timing before the Convention Center is renovated and after, and it is in the tenant's best interest to make his good faith payments for rent for November and December, as discussed at the last meeting. She suggested that the operator be part of the discussion.

Discussion continued.

Mayor Levine stated that they are going to continue with the original motion.



10:47:39 a.m.

**ADDENDUM MATERIAL 2:**

C7U Discuss And Direct The Administration To Issue RFP For The Use Of City Property For Telecommunications Equipment No Later Than November 28, 2014; The RFP Shall Include A Schedule Providing For Commission Approval Authorizing Negotiations With The Top Ranked Proposer At The First Commission Meeting In January 2015 And For Contract Negotiations To Be Completed No Later Than The First Commission Meeting In February 2015.

(Requested by Commissioner Jonah Wolfson)

**ACTION:** Item moved from Regular Agenda Item R9Z. Item separated for discussion by Commissioner Tobin. Motion made by Commissioner Wolfson to approve the item, with the proviso to allow the City Manager to negotiate with multiple proposers; seconded by Commissioner Tobin; Voice vote: 7-0. **Ariel Sosa and Alex Denis to handle.**

Commissioner Wolfson explained that this item is to get the bids back before the moratorium is over. He wants to see the process finished before the moratorium is over.

Mitchell Bierman, representing Crown Castle, stated that his client is the largest infrastructure provider for wireless in the United States. Crown Castle welcomes the opportunity to participate with the City of Miami Beach as its partner in trying to monetize the rooftops of the buildings the City owns. They currently lease a rooftop on the Anchor Garage for the purposes of locating a hub. Hub is different from what is contemplated in the RFP. With a hub there is a seemingly unlimited need for antennas and repeaters, there is very little need for hubs. Most of these cell carriers have a hub, they have had this hub for ten years, they are trying to negotiate renewal with the City and they ask that this hub be excluded from the RFP. Secondly, on the moratorium itself, he hopes that it is clear that the idea that if you place antennas on rooftops, you are going to eliminate the need for installations in the right-of-way, that this perception has been corrected because that is just not the case. They have a plan with respect to the 20 right-of-way installation applications that they have on file now, to, instead of creating any new towers to swap out existing light poles, replace those light poles, at no cost to the City, and have their equipment in those new light poles, which would result in no net gain of what the City calls street furniture. They think that this meets with the concerns expressed by the majority of the Commission, concerning not wanting any new street furniture in the right-of-way, and they believe it also meets with the new FCC rules, which reiterate that the federal law with respect to sighting of equipment in the right-of-way. They ask that this Commission exclude the hub on the Anchor Garage, at least from the RFP, and continue to work with them to try to do a renewal of that, and that this Commission move forward with this opportunity.

Commissioner Weithorn stated that she received an e-mail that Crown Castle does not want the one-year extension offer. Based on that position that Crown Castle is taking, the City has no choice but to put the rooftop hub in the RFP, because if they are not interested in it, perhaps somebody else is.

Mr. Bierman stated that if there were nothing else besides the one-year extension that would be available, they would accept that. However, the upgrade of the equipment in that hub is going to require hundreds of thousands, if not millions, of dollars in investment, and because of that, they would want to have a longer-term opportunity there. Without that, they can work with the one-year extension, which will avoid any disruption to the current service that the businesses are providing, and hope to work forward from there.

Discussion held.

Commissioner Weithorn is perplexed and added that what she is hearing today is not consistent with what she has been told, and she thought that going out to bid on the rooftop was absolutely essential based on the e-mail received.

Mr. Bierman explained that if there were other interest in that rooftop from other providers, they would ask that the City seek Letters of Interest from the other providers. If nobody else comes forward with a proposal for that specific hub, then Crown Castle would be happy to continue with the City under acceptable terms.

Commissioner Weithorn explained that for the City Commission not to consider it, in the grand scheme, sells the City short. She has no problem segregating the rooftop for something special, because it may be special and require significant capital outlay, but she suggested looking at everything and not doing it piece meal.

Mr. Bierman stated that they have no problem with that as long as there is some certainty as to where they go after January 15, 2015. If it is separated out, that they understand that that rooftop can accommodate antennas certainly, they do not take up very much room, probably could accommodate more than one hub, if someone else is interested in locating a hub there. However, they already got a great deal of equipment there and a large investment.

Jimmy L. Morales, City Manager, stated that as drafted, this item authorizes negotiations with only the top ranked proposer. In the private sector, private buildings often allow multiple carriers to increase revenues; the Manager believes the market should decide. Therefore, Manager Morales requested authority to negotiate with multiple proposers, so as not to be limited.

Motion made by Commissioner Wolfson to approve the item, with the proviso to allow the City Manager to negotiate with multiple proposers; seconded by Commissioner Tobin; Voice vote: 7-0.

### **End of Consent Agenda**

**REGULAR AGENDA****R5 - Ordinances****10:32:07 a.m.**

R5A Tree Preservation And Protection Ordinance

An Ordinance Amending Chapter 46 Of The Miami Beach City Code, Entitled "Environment," By Amending Article II, "Care And Maintenance Of Trees And Plants," By Amending Division 2, "Trees"; To Amend The Definitions, Purpose And Intent; Scope, Applicability And Exemptions; Permitting Application Requirements, Notice And Procedures For Obtaining Permits; Imposing Criteria And Conditions For Tree Removal And Relocation; Tree Replacement; Tree Preservation And Protection Requirements; Defining And Protecting Heritage And Specimen Trees; Establishing A Miami Beach Tree Preservation Trust Fund; ~~Regulating Tree Services And Arborists~~; Defining Trees Constituting A Public Nuisance; Providing For Appeals; Enforcement And Civil Remedies; Prohibited Species; Duties And Authority Of The Urban Forester; And Providing For Repealer; Codification; Severability; And An Effective Date. **10:30 a.m. Second Reading Public Hearing**

(Sponsored by the Neighborhood/Community Affairs Committee)

(Legislative Tracking: Public Works)

(Continued from September 17, 2014 - R5B)

**ACTION:** Title of the Ordinance read into the record. Motion made by Commissioner Wolfson to open and continue the item to November 19, 2014; seconded by Commissioner Weithorn; Voice vote: 7-0. Lilia Cardillo to place on the November 19, 2014 Commission Agenda if received. **Eric Carpenter to handle.**

Commissioner Malakoff asked Commission Wolfson why this item had to be opened and continued, since she does not agree in delaying this issue.

Commissioner Wolfson explained that he has previously expressed concerns over this proposed Ordinance; we have existed on the current County Code for very many years and another month in order for him to finish the work that he has been doing to improve the Ordinance will be worth it. He has spent significant time trying to improve the proposed Ordinance, and he would like to finish it. Commissioner Wolfson assured Commissioner Malakoff that he is not trying to gut the proposed Ordinance nor watering it down. The City is going to get a good Ordinance. We are just going to wait another month so it does not have any unforeseen issues.

Handouts and Reference Materials:

1. Ad 943 published in The Miami Herald Neighbors Section.

**10:46:07 a.m.****R5B Definition Of Motion Picture Theater**

An Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Amending Chapter 114, "General Provisions," Section 114-1, "Definitions," By Adding A Definition Of Motion Picture Theatre; Providing For Repealer; Codification; Severability; And An Effective Date. **10:40 a.m. Second Reading Public Hearing**

(Sponsored By City Commission)

(Legislative Tracking: Planning)

(First Reading on September 10, 2014 - R5H)

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3899 adopted.** Motion made by Commissioner Steinberg to approve the Ordinance; seconded by Commissioner Tobin; Ballot vote: 7-0. **Thomas Mooney to handle.**

Thomas Mooney, Planning Director, introduced the item. Mr. Mooney explained that the Ordinance was approved on first reading on September 10, 2014; and there have been no changes to the Ordinance. The Administration recommends adoption.

**Handouts and Reference Materials:**

1. Ad 943 published in The Miami Herald Neighbors Section.

**10:54:53 a.m.****R5C Collins Waterfront Historic District Parking Garage Heights Ordinance**

An Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Amending Chapter 130, "Off-Street Parking," Article III, "Design Standards," Section 130-68, "Commercial And Non-Commercial Parking Garages," By Amending The Maximum Height And Requirements For Allowable Accessory Commercial And Residential Uses Of Main Use Parking Garages Located Within The Collins Waterfront Local Historic District; Providing For Codification; Repealer; Severability; And An Effective Date. **10:50 a.m. Second Reading Public Hearing**

(Sponsored By Commissioner Jonah Wolfson)

(Legislative Tracking: Planning)

(First Reading on September 10, 2014 - R5I)

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3900 adopted.** Motion made by Commissioner Wolfson to approve the Ordinance; seconded by Vice-Mayor Grieco; Ballot vote: 7-0. **Thomas Mooney to handle.**

Thomas Mooney, Planning Director, introduced the item. Mr. Mooney stated that no changes to the Ordinance have occurred subsequent to first reading.

**Handouts and Reference Materials:**

1. Ad 943 published in The Miami Herald Neighbors Section.

**11:20:21 a.m.****R5D Conditional Uses In Collins Waterfront District**

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending 142, "Zoning Districts And Regulations", Article II, "District Regulations", Division 3, "Residential Multifamily Districts", Subdivision II, "RM-1 Residential Multifamily Low Intensity", To Modify The Conditional Use Requirements For Properties Located Within The Collins Waterfront Local Historic District; Providing For Repealer; Severability; Codification; And An Effective Date. **11:10 a.m. First Reading Public Hearing**

(Sponsored by Vice-Mayor Michael Grieco)

(Legislative Tracking: Planning)

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. **Ordinance approved on first reading as amended.** Motion made by Vice-Mayor Grieco to approve the Ordinance as amended with a referral to the Planning Board of the modification to the Land Development Regulations (LDR) establishing a definition for "Hall for Hire;" seconded by Commissioner Weithorn; Ballot vote: 6-1; Opposed: Commissioner Tobin. Second reading and Public Hearing scheduled for November 19, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

Pursuant to Section 2-13 of the Code, motion was made by Commissioner Weithorn to accept the Land Use and Development Committee's recommendation; seconded by Commissioner Malakoff; Voice vote 6-1; Opposed: Commissioner Tobin.

**REFERRAL:**

Refer a modification to the Land Development Regulations (LDR) establishing a definition for "Hall for Hire" to the Planning Board

**AMENDMENTS:**

1. Covenant that the conditional use be married to the historical designation of the building and always remains as a historic site.
2. It should be a "Hall for Hire" and not a restaurant.
3. Strike that portion that states that it can be a restaurant or a café.
4. "Hall for Hire" needs to be defined.
5. Contact Flamingo neighborhood and any abutting properties affected by the change.
6. Set hours of operation.

Thomas Mooney, Planning Department Director, explained that this is an Ordinance that was referred to the LUDC and was endorsed by the Planning Board; it will create a new conditional use category within the RM-1 District for properties located within the Collins Waterfront Historic District; that area is defined as north of Collins Canal to the west of Lake Pancoast, to the east of Pine Tree Drive, and to the south on 25<sup>th</sup> Street. It is a very small area surrounded by commercial uses and institutional uses, and the new conditional use that would be added as part of this Ordinance would allow Halls for Hire and other types of small outdoor café restaurant type uses. The genesis of this Ordinance was to find an accommodation for the existing Miami Beach Women's Club, which is a designated historic site. The building itself, due to the regulations of the RM-1 District, could only be used under the current Code as either residential use, as a main permitted use, or they could do a daycare facility, religious institutions, public private institution or a school. This Ordinance would extend the list of conditional uses; it would not allow standalone nightclubs or standalone entertainment uses; and conditional uses from the Planning Board would still be required. The Administration is recommending approval on first reading, and pursuant to a request by the Planning Board, they are also recommending that the item be referred to the

Planning Board to create a definition for "Hall for Hire", since there is no existing definition in the Land Development Regulations.

Discussion held.

Vice-Mayor Grieco attended the Collins Park Association meeting and invited Ray Breslin to speak.

Commissioner Tobin stated that he agrees in doing something tasteful, and explained that the City needs to be cautious, since they are completely converting the character of that small neighborhood across the Hebrew Academy. He called the Hebrew Academy and they were not aware that this was happening. They are legalizing the hotel, which has been opened for about six or nine months across the street, and now they are loosening up the commercialization across the school, and what will probably happen is that the hotel will then be able to serve food, have a restaurant or other services in the commercial building. Commissioner Tobin is not 100% against it, but he wants to make the point that the Commission is giving their blessing by converting an area that was, except for the school, a residential neighborhood.

Vice-Mayor Grieco stated that the uses currently allowed are adult congregate living facility, day care facility, nursing home, religious institution, private and public institution, school, or a commercial or non-commercial parking lot, and it is his understanding that the owner can actually relocate the structure of the building and do other things with the property as well. The use they are asking for, which is for a "Hall for Hire," is in his mind an amazing use, and what the Women's Club was used for. It is not changing the neighborhood, but in fact is bringing it back to what it once was.

Rey Breslin, Collins Parks Neighborhood Association President, gave a brief historical background of the Women's Club. He explained that Mr. Lieberman came along, fell in love with the building and painstakingly hired a master craftsman to restore the building to the exact original condition and use that it always had. This project is welcomed in their neighborhood, and he urged the City Commission to pass this and added that the Association is in support.

Commissioner Weithorn stated that she agrees that historically it was a Women's Club, but she has concerns of what people complain about, noise and traffic, and she hopes the conditional use permit will take care of that. As long as they believe that under the conditional use they can deal with that, then she will support it. They need to deal with the real issue of traffic and noise. There is support for the historical building, but she asked that they do not give up the right to protect people who live in the community, and if they do that by conditional use, she is in support of the item.

Discussion held.

Vice-Mayor Grieco clarified that the building is privately owned by the Lieberman family and what the City is considering is a conditional use.

Former Commissioner Nancy Liebman explained that the building was never a restaurant; they had caterers; and it is a shame that the memorabilia was lost in the fire, but she thinks it is a great facility.

Discussion continued regarding concerns for residential buildings abutting commercial structures.



Former Commissioner Nancy Liebman suggested adding a covenant that the building always remains as a historic site.

Commissioner Malakoff stated that it should be a "Hall for Hire," but not a restaurant.

Thomas Mooney, Planning Department Director, stated they would strike the portion that refers to allowing the property to be a restaurant or a café subject to conditional use. **Thomas Mooney to handle.**

Commissioner Weithorn stated that she would never allow a restaurant on conditional use, and she agrees that they need to define "Hall for Hire."

Discussion continued regarding hours of operation and discussion at Planning Board. Mr. Mooney suggested including hours of operations for second reading if that is a concern.

Commissioner Tobin added that no one contacted the Hebrew Academy, and that is not right, as the Hebrew Academy is the neighbors across the street. Next time the abutting property owners need to be contacted. **Thomas Mooney to handle.**

Discussion continued regarding hours of operation.

Commissioner Wolfson stated that former Commissioner Liebman's suggestion to add a covenant that the building remains a historic site is positive.

Thomas Mooney, Planning Department Director, stated that between first and second reading hours of operations will be defined.

Raul J. Aguila, City Attorney, clarified that the motion is to adopt the Ordinance with the amendment deleting the "and/or restaurant use."

Commissioner Tobin requested contacting the Flamingo neighborhood, and any other abutting property owners affected when changes like this are made. **Thomas Mooney to handle.**

Commissioner Weithorn added to the motion that the conditional use be married to the historical designation of the building as suggested by Nancy Liebman.

Vice-Mayor Grieco incorporated all the amendments into his motion to approve the Ordinance on first reading; as well as the referral to the Planning Board.

Handouts and Reference Materials:

1. Ad 943 published in The Miami Herald Neighbors Section.
1. Ad 945 published in The Miami Herald Neighbors Section.

**12:39:14 a.m.**

R5E Short Term Rentals In Collins Waterfront District

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article IV, "Supplementary District Regulations," Division 3, "Supplementary Use Regulations," To Modify The Regulations And Requirements For Short Term Rentals To Include Properties Located Within The Collins Waterfront Local Historic District; Providing For Repealer; Severability; Codification; And An Effective Date. **11:20 a.m. First Reading Public Hearing**

(Sponsored by Vice-Mayor Michael Grieco)

(Legislative Tracking: Planning)

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. **Ordinance opened and continued to November 19, 2014.** Motion made by Vice-Mayor Grieco to open and continue the item; seconded by Commissioner Weithorn; Voice vote: 7-0. Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

Thomas Mooney, Planning Department Director, explained that this Ordinance affects the same areas affected by the Ordinance that allowed as a conditional use a "Hall for Hire" in the Women's Club. This particular Ordinance would extend the ability for property owners to utilize rental buildings on a short term basis currently in the RM-1 District, as short term rentals are not permitted in apartment buildings, hotels are not a permitted use in this zoning district, and there would be a short window because there are specific criteria as outlined in the Code, only applicable to contributing buildings within the area that have been fully renovated, and there are a number of thresholds that need to be met with regard to building and life safety requirements. This was discussed and endorsed by the LUDC, and the Planning Board recommended favorably. The Administration recommends approval at first reading, and setting a second reading, public hearing in November.

Commissioner Weithorn requested to know the number of properties that this might apply to between first and second reading.

Thomas Mooney, Planning Department Director, stated that within this particular area there are 21 buildings, 20 of which are classified as contributing; approximately three of the buildings would not be eligible because they abut 25<sup>th</sup> Street. The rest of them, while technically eligible, have not submitted any type of request to the City to convert to a short-term rental in terms of other requirements. From a technical standpoint, if someone would want to meet the deadline, there are a number of buildings that this would potentially apply to.

Monika Entin, Esq., representing the Liebermans, explained that as Mr. Mooney stated, there are approximately 18 or 19 buildings that could possibly have this apply to them; however, the Administration has created criteria that deals with the historic nature of the building, preserving and renovating the building, as well as applying to the State for licensure as well as for resort taxes. There is a six-month window for other properties to apply and get the renovations done, in order to qualify. However, there are also requirements that the property be preserved, renovated, and comply with the life safety requirements of the Florida Building and Fire Codes, as well as having to apply to the State for transient license and pay resort taxes with the City.

Mayor Levine asked if they are taking the building and making it a hotel; the Mayor is concerned that by passing this Ordinance, they are opening Pandora's box.

Mr. Mooney explained that the building will be an apartment, but they will be able to rent for periods of less than six months, because the owner of the property desires to lease the units for periods of less than six months.

Discussion held.

Nathan Lieberman stated that they did a historical renovation of seven buildings for the entire block from 23 to 24 Street abutting Dade Canal. The original use of the property was an apartment plus hotel. They have been utilizing the property this way since they opened, they are paying their taxes and it has been a great asset to the neighborhood, and they are just trying to move forward.

Monika Entin, Esq., representing the Liebermans, added that when the City was considering short term rental changes, these properties were under renovation, and therefore unable to meet the window in order to qualify as a short term rental. She explained that also Section 142-1111 of the City Code allows the creation of additional neighborhoods where short-term rentals can occur.

Vice-Mayor Grieco stated that this is an opportunity for incentivizing historic preservation; here they are rewarding a property owner to be able to do more with their property, but they have to renovate and restore the property in order to do that, and that is one of the requirements of the Ordinance; this does not open up a Pandora's box. He reached out to the Collins Park Association neighborhood and they are in support.

Discussion continued.

Commissioner Weithorn expressed her concern that this applies to 18 properties, and it is too broad; she requested narrowing the number of properties and bringing it down to a three-month window. She is not in support of proliferation of short-term rentals in the neighborhood.

Vice-Mayor Grieco is comfortable with three months instead of six-month window.

Discussion continued.

Commissioner Wolfson stated that this is an important property, they renovated the property and were hit with a many fines, which the City helped to mitigate significantly; and now they want an additional use for the property to make more money. However, he has concerns as far as the appropriateness and how this might be a big impact in the neighborhood.

Discussion continued.

Commissioner Steinberg stated that the project is beautiful and she hopes it has many occupants and is successful. However, she is not comfortable with short-term rentals anywhere in the City at this time. She wants to uphold the short-term rental Ordinance.

Discussion continued.

Commissioner Tobin stated that the Planning Department needs to start noticing the abutting property owners in the neighborhoods and notice the schools. He requested obtaining input from the neighbors and abutting property owners. This is going to change the character of the neighborhood, this was not an overnight rental until 18 months ago, but he is concerned with the schoolchildren and commercial Halls for Hire, and he requested input from neighbors. **Thomas**

**Mooney to handle.**

Commissioner Weithorn suggested tabling the item.

Discussion continued.

Mayor Levine requested tightening up the language, getting comfortable with it and bringing it back.

Commissioner Weithorn suggested discussing with the neighbors so that they feel they have adequate conversation; she additionally requested quantifying the number of properties affected and how many units are impacted. **Thomas Mooney to handle.**

Motion made by Vice-Mayor Grieco to open and continue the item and bring back in November 19, 2014; seconded by Commissioner Weithorn.

Monika Entin, Esq, stated that they would reach out to the neighborhood, specifically Flamingo and Collins Park.

Commissioner Tobin asked if there is an appetite to allow certain historic properties, from a policy standpoint, to have overnight rentals.

Vice-Mayor Grieco clarified that this is a unique circumstance and they do not want to expand.

Ray Breslin spoke in support of the Liebermans.

Handouts and Reference Materials:

1. Ad 946 published in The Miami Herald Neighbors Section.

**11:39:09 a.m.**

R5F Faena District Comprehensive Plan And District Overlay

1. Comprehensive Plan – Faena District Overlay

An Ordinance Amending Policy 1.2 Of The Future Land Use Element Of The Comprehensive Plan Pursuant To The Procedures In Section 163.3184(3), Florida Statutes, By Modifying The Medium Density Multi Family Residential (RM-2) And The High Density Multi Family Residential (RM-3) Future Land Use Categories To Establish The “Faena District Overlay” In Order To Allow For Place Of Assembly, Restaurant, Retail And General Office As Main Permitted Uses Within Its Boundaries; Providing For Inclusion In The Comprehensive Plan, Transmittal; Repealer; Severability; And An Effective Date. **11:30 a.m. First Reading Public Hearing**

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Planning)

**ACTION:** Title of the Ordinance read into the record. **Ordinance approved on first reading as amended as a main permitted use.** Motion made by Commissioner Weithorn to approve the Ordinance as amended; seconded by Vice-Mayor Grieco; Ballot vote: 7-0. Second reading and Public Hearing scheduled for December 17, 2014 at 5:01 p.m. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

**City Clerk’s Note:** As this is a quasi-judicial proceeding, all parties speaking on item R5F1 and R5F2 were sworn in.

**AMENDMENTS:**

1. As a main permitted use.
2. Parameters will run with the property.
3. Recourse should be included in the provisions.

**TO DO:**

1. All parameters to be defined and included in the Ordinance.
2. The goal is to make this a special district and not a conditional use.
3. Look into the public benefit for students attending art exhibits.
4. Define hours of operation.
5. Have support from Administration when processing permits to be able to move fast and expeditiously without having to go to board hearings.

**Thomas Mooney to handle the above referenced "TO DOs."**

Raul J. Aguila, City Attorney, explained that the version voted by the Planning Board is on Page 360 of the Commission Agenda; additionally they have Option B, attached to the Supplemental Material 3, which is the version proposed by the developer with alternative language, so there are two versions of the Ordinance for the Commission to vote on.

Thomas Mooney, Planning Department Director, explained that one of the Ordinances is an Ordinance amendment that would create this proposed Overlay District for the Faena properties; and the purpose of this Overlay District would be to allow certain uses that would not otherwise be permitted as main permitted use, and it will also establish height limitations for the RM-3 portion of the District. The other item is a comprehensive plan amendment required as part of the overlay Ordinance. Because of this comprehensive plan has to be transmitted to the State for review, they recommend that if the Ordinance overlay is adopted on first reading, that second reading be scheduled for December 17, 2014, at which time they can concurrently adopt the comprehensive plan amendment. As the City Attorney mentioned, there are two options with regard to the proposed language for the creation of the overlay, and Neisen Kasdin in addition was also a private applicant for this proposal, and the Administration is recommending that the Commission adopt the proposal as transmitted by the Planning Board, and they also recommend that there be a minor change, which the applicant also agreed to, with regard to a modification to Section 142-873(b), which is included in the Commission memorandum. This is a slight amendment, to say that the structure can be considered as a main permitted use and allows retail and office or restaurants, can be either an existing or a replicated contributing building.

Neisen Kasdin, Esq., representing Faena Group, explained that the project has been in development for many years. This developer has brought to Miami Beach world top architects; has physical plans for street, sidewalk, beachwalk and dune walk designed by Raymond Jungles, which this Commission would need to give direction to the Administration if they are comfortable to proceed with the streetscape for that area, but most importantly, Alan Faena has assembled three blocks of properties on both sides of Collins Avenue. It is the highest end residential hotel and cultural destination one can create in this community. Mr. Faena wants to create what he created in Buenos Aires. The City has been very supportive in every aspect; all permits are approved and the project is well in construction; the final element of making this District a benefit for the community is this Overlay District, which essentially does two things: 1) It allows the art center, which will be a place for art exhibitions and conferences, performances and functions, to be a permitted use in the RM-3 District, and not as an accessory to a hotel; and 2) A smaller building, a bazaar, would be allowed to have retail as a main permitted use, not just an accessory use. This small building would have a coffee bar and small market to service the area in the

neighborhood, and that is the reason this is before this Commission. For the record, he noted that the request for an increase in 20 feet (to 220 feet) in height in the RM-3 District, on the east side of Collins Avenue, is no longer required. Alan Faena has gone through extraordinary expense to make this building beautiful, and one that has no negative impact in the surrounding area. In addition, he has designed a "box within a box," where no sound emanates, and has agreed to have no outside amplified or live music. They have dealt with the neighbors and they have support from the immediate neighbors; they are dealing and negotiating with Portugal Towers and will deal with any issues they have.

Alan Faena, President of the Faena Group, explained that in Buenos Aires, a City with 12 million inhabitants, they took an abandoned place and in a short time turned it into one of the most spectacular places in the City; a place rich in culture and architecture, a place where residents are proud to go to. Mr. Faena showed a PowerPoint presentation. He added that not only did they bring life to the area, but they also brought landscaping and turned it into one of the most interesting areas in Latin America. He explained that their mission and goal is to respect the community and the City, and they believe that things should be done right from the beginning. Their goal is to build communities, not build places from the wall inside; they want to create cafes, electronic parking and small hotels. These six or seven blocks will be landscaped by Raymond Jungles and it will be a beautiful place for the neighbors. In addition, they are building a two-level parking garage that the District needs.

Mayor Levine thanked Mr. Faena for the great presentation. Mayor Levine has visited Argentina for many years and saw Puerto Madero grow, and he has seen what Alan Faena did there. It is the greatest project that Latin America has seen on a real estate basis, and it was a game changer for the entire region. This project in Miami Beach is a game changer as well. Mayor Levine believes they need to create what Mr. Faena is looking to do, but they need to do it in a way that it offers protection for the residents and neighbors.

Raul J. Aguila, City Attorney, explained that they have been advised of a potential challenge to the Comprehensive Plan based upon what they do here today, and because of that, the Office of the City Attorney has taken the position that the adoption of today's Ordinance on first reading will be in the nature of a quasi-judicial proceeding. Therefore, for administrative formalities, City Attorney Aguila requested to swear in any witnesses from the public that plan to testify today, including Mr. Faena who already testified.

All witnesses, including Mr. Faena, were sworn in by Eve Boutsis, Deputy City Attorney.

Ray Breslin, Collins Park Neighborhood Association, stated that they are in support of the project.

Marcie Oppenheimer Nolan, Esq, from Becker and Poliakoff, representing Portugal Towers, distributed a letter for the record and stated that Portugal Towers is the building to the south and west of Faena's project, and they are in support of the general concept of the project. She thanked City staff for working with them and thanked Mr. Kasdin and Mr. Faena for also speaking to them and trying to understand what the conditional use is. The only concern is the noise and traffic generated from the place of assembly. Under the Land Development Code (LDR) recommendations, there is broad designation and that is their concern. The box is a broad box and they requested a better definition, hours of operation, etc. The conditional use approval process here is something to be proud of; it defines what the uses are, it puts the property owner on notice of what they can and cannot do; staff and Commission can re-review the project, and gives subsequent owners/operators the knowledge on the record of what they are bound to. They support the recommendation and will continue to dialogue with Mr. Faena.



Vice-Mayor Grieco suggested that between first and second reading the make the specific conditional uses amendments part of the Ordinance. **Office of the City Attorney to handle.**

John Stewart, Executive Director of Miami Beach Urban Studios and member of the Historic Preservation Board, spoke in support of the project.

Chris Burge added that this is an amazing City and he is fortunate to be part of this. He explained that he was Alan Faena's original partner in Buenos Aires, and what Alan Faena says he is going to do, he far exceeds. It is not just the beauty of this development, but how Mr. Faena feels about the people in the community. Mr. Burge stated that this is the most amazing thing Miami/Miami Beach has seen.

Dona Zemo is pleased to support this project. She added that at a community meeting last night all attendees were in favor of the project.

Estrella Lima is excited with what Faena is bringing to the community; she has seen the plans and is thrilled that he is bringing culture to the community and taking steps to ensure that the traffic flows, that there is ample parking spaces, green areas, and as a property manager, her community supports the project.

Jimmy Goldfarb stated that they are in favor of the concept of the conditional use. The opposition is because their property is next to the project, and there will be a great deal of inconveniences due to the construction. They have legitimate concerns that this "box within a box" will generate noise around the neighborhood and thereby disturbing the peace and quiet. They embrace change and would love to see it happen, but they would also like to enjoy their peace and quiet.

David Henry stated that there is concern with noise and traffic and they asked that the City retain its right to protect the residents; and if the noise and traffic are exceeded, the power of conditional uses is there.

Discussion held regarding traffic issues.

Neisen Kasdin, Esq., in answering Vice-Mayor Grieco, stated that overall the intensity of the development of the neighborhood is being greatly reduced; the Saxony Hotel had over 400 rooms, and this project will be 161 rooms with 13 units; the Versailles was approved for 274 rooms and over 1,000 occupancy for restaurants and bars, and Alan Faena is creating about 50 condominium units and no restaurants. The reality is that this art center is functioning with all the other properties, and overall Mr. Faena is reducing the intensity of the uses in the neighborhood.

Raul J. Aguila, City Attorney, explained the two Ordinances. The first Ordinance is an amendment to the Comprehensive Plan, which would add the Faena Overlay District and allow them to transmit the amendment to the Comprehensive Plan upon second reading for approval. The second Ordinance is an amendment to the LDR, with Option A, considered by the Planning Board, which in essence states that a place of assembly would be permitted subject to conditional use approval. The developer has proposed an Ordinance (Option B) which has been included in the packet that proposes this as a main permitted use, subject to conditions.

Eve Boutsis, Deputy City Attorney, explained that the Comprehensive amendment and the Ordinance would require the same edit, meaning that as drafted, it is a main permitted use in the comprehensive plan for the public assembly, and if that is to be changed to make it a conditional use, it needs to be done in the comprehensive plan.

Motion made by Commissioner Weithorn to approve the Ordinance as it exists with the change in the Comprehensive Plan as a main permitted use. Commissioner Weithorn stated that what Mr. Faena is creating is special. She has taken the time to work with Portugal Towers to get further today, and she thanked everyone for spending time and discussing the issue. However, there are too many details to be worked out; and for the City to give out the right to conditional use really requires to have everything spelled out and that everyone can embrace it, and if that does not happen, she will not support it the second time around. Commissioner Weithorn wants something special, but she does not want to give up the rights of residents to live in their community in the manner in that they are accustomed to.

Eve Boutsis, Deputy City Attorney, explained that if they are considering a conditional use, an amendment has to be made by second reading.

Commissioner Weithorn reiterated that her intention is to let it go now, but if they cannot get enough details, the second time around it will be a conditional use for her.

Vice-Mayor Grieco seconded the motion.

Commissioner Malakoff is in agreement with Commissioner Weithorn. She added that some people are concerned about music and having safety, peace and comfort in their homes at night, but with the main permitted uses within the Faena District Overlay, these are some of the regulations that they asked for, no outdoor live music, noise emanating from the place of assembly shall not be heard on any abutting property at a volume that interferes with normal conversation; the term abutting for this purpose includes properties across the right of way or across the body of water. It is very liberal and she is comfortable having it as a main permitted use.

Commissioner Steinberg agreed that this is a wonderful project, it is a game changer; however, she feels comfortable with a conditional use permit, so if they are not going that route, she requested that parameters be defined. She also requested a public benefit to have students attend when they have art exhibits; she also wants to know the hours of operation and other things that will complement the area. **Office of the City Attorney to handle.**

Discussion held.

Mayor Levine stated that they are going to negotiate with Neisen Kasdin, Alan Faena, Portugal Towers and surrounding buildings, for the second reading, to put in the various parameters so that everyone is comfortable. The goal is to make this a special district, not a conditional use. **Office of the City Attorney to handle.**

Commissioner Malakoff added that it must run with the property.

Commissioner Weithorn stated that recourse should be included in the provisions, and in the event they do not comply, it needs to revert to a conditional use. Those details need to be worked out between first and second reading.

Commissioner Wolfson added that this project should be welcomed with open arms because of what it brings to the City, and he understands there are concerns, but they can work through those. He suggested that this should be a smooth process with all the support from the Administration when processing permits so Faena is able to move fast and expeditiously without having to go to numerous board hearings.

## Handouts and Reference Materials:

1. Ad 943 published in The Miami Herald Neighbors Section.
2. Ad 937 published in The Miami Herald Neighbors Section.
3. Letter from Becker & Poliakoff, Marcie Oppenheimer Nolan, Esq., dated October 21, 2014, RE: City Commission Items R5F 1 and 2 Faena District Overlay.
4. Email from [matthew.barnes@akerman.com](mailto:matthew.barnes@akerman.com) dated October 14, 2014 RE: alternate Faena District Overlay Ordinance with attachment.

**12:21:59 p.m.**

2. Faena District Overlay

**Option A – Administration’s Proposed Ordinance**

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations" Article III "Overlay Districts", Creating Division 9 "Faena District Overlay", To Expand The Allowable Uses In The Faena District Overlay To Include Place Of Assembly, Retail And General Office As A Main Permitted Use In Limited Circumstances, To Permit New Construction In The Underlying RM-3 Portion Of The Faena District Overlay To Be 220 Feet In Height; Providing For Repealer; Severability; Codification; And An Effective Date. **11:30 a.m. First Reading Public Hearing**

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Planning)

**ACTION:** No action was taken, as Option B was adopted.

**SUPPLEMENTAL MATERIAL 3 -****Option B - Developer’s Proposed Alternative Language:**

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations" Article III "Overlay Districts", Creating Division 9 "Faena District Overlay", To Expand The Allowable Uses In The Faena District Overlay To Include Place Of Assembly, Retail And General Office As A Main Permitted Use In Limited Circumstances, To Permit New Construction In The Underlying RM-3 Portion Of The Faena District Overlay To Be 220 Feet In Height; Providing For Repealer; Severability; Codification; And An Effective Date. **11:30 a.m. First Reading Public Hearing**

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Planning)

**ACTION:** Title of the Ordinance read into the record. **Ordinance (Option B – Developers Proposed Alternative Language) approved on first reading.** Motion made by Commissioner Malakoff to approve the Ordinance; seconded by Commissioner Weithorn; Ballot vote: 7-0. Second reading and Public Hearing scheduled for December 17, 2014 at 5:01 p.m. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

Discussion included with item R5F1.

Neisen Kasdin, Esq., spoke.

Jimmy L. Morales, City Manager, introduced the item.

## Handouts and Reference Materials:

1. Ad 943 published in The Miami Herald Neighbors Section.
2. Ad 937 published in The Miami Herald Neighbors Section.

**9:18:33 a.m.****R5G MXE Setbacks**

An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations", Division 13, "MXE Mixed Use Entertainment District," Section 142-547, "Setback Requirements," By Amending The Setback Requirements To Include Separate, Reduced Setback Requirements For Commercial Buildings Which Do Not Contain Any Hotel Or Residential Units; Providing For Codification; Repealer; Severability, And An Effective Date. **First Reading**

(Sponsored by Vice-Mayor Michael Grieco)

(Legislative Tracking: Planning)

**ACTION:** Title of the Ordinance read into the record. **Ordinance approved on first reading.** Motion made by Vice-Mayor Grieco to approve the Ordinance; seconded by Commissioner Malakoff; Ballot vote: 6-0; Absent: Commissioner Wolfson. Second reading and Public Hearing scheduled for November 19, 2014. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

Pursuant to Section 2-13 of the Code, motion was made by Commissioner Weithorn to accept the Land Use and Development Committee's recommendation; seconded by Commissioner Malakoff; Voice vote 6-0; Absent: Commissioner Wolfson.

Thomas Mooney, Planning Director, explained that this Ordinance was referred by the City Commission and endorsed by the Planning Board, and it was set for different setback regulations for non-hotel, non-residential type projects in the MXE District along Collins Avenue, for non-oceanfront lots. Currently under the City Code, setback requirements for all buildings are set up to address their context, as it pertains to hotels with requirements for courtyards and extra setbacks. These regulations would allow smaller retail only type development to maintain a five-foot setback, which has been the prevailing pattern of this type of development, but it has required a variance in order to do it in the past. The Administration has recommended approval at first reading and the setting of second reading/public hearing for November 19, 2014.

Vice-Mayor Grieco explained that this Ordinance would provide dependability, as there are many variance applications consistent with this Ordinance, and this is more of a clean-up language than anything else.

Motion made by Vice-Mayor Grieco, seconded by Commissioner Malakoff; Roll call: 6-0; Absent: Commissioner Wolfson.

**9:21:11 a.m.****R5H Definition Of Unified Development Site**

An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 118, "Administration And Review Procedures," Article I, "In General," Section 118-5, "Unity Of Title; Covenant In Lieu Thereof," By Amending The Requirements And Standards For A Covenant In Lieu And By Providing A Definition For Unified Development Site; Providing For Codification, Repealer, Severability And An Effective Date. **First Reading**

(Sponsored by Commissioner Edward L. Tobin)

(Legislative Tracking: Planning)

**ACTION:** Title of the Ordinance read into the record. Item opened and continued and referred to the Land Use and Development Committee and the Planning Board for further modifications. Motion made by Commissioner Malakoff to open and continue item to the December 17, 2014 Commission Agenda, and refer the proposed Ordinance to the Land Use and Development Committee and the Planning Board for further modifications; seconded by Commissioner Weithorn; Ballot vote: 6-0; Absent: Commissioner Wolfson. Lilia Cardillo to place on the December 17, 2014 Commission Agenda if received. **Thomas Mooney to handle.**

**REFERRALS:**

- Land Use and Development Committee
- Planning Board

Commissioner Malakoff stated that this Ordinance is very important. It has been pending for some time, and she believes it needs further discussion as she is not satisfied with the definition. She moved to open and continue the item.

Commissioner Tobin explained the reason why he had originally put this on the Agenda. As land use regulations stand now, there is an argument to be made that if one owns a piece of property that is not abutting someone else's property, one can still make a deal with them and bump up the FAR and build a taller building than one normally would be allowed to build. This has been pending forever, and the longer it is pending, the more exposed the City is to somebody aggregating parcels that are not even abutting, and using a covenant in lieu in order to build something out of context.

**9:50:38 a.m.****R5I RPS Heights And Lot Aggregation**

An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations" Article II, "District Regulations" Division 18, "PS Performance Standard District," Amending Section 142-696 "Residential Performance Standard Area Requirements," By Amending The Maximum Building Height And Lot Aggregation Requirements In The R-PS1, R-PS2, R-PS3 And R-PS4 Zoning Districts; Providing For Codification, Repealer, Severability And An Effective Date. **First Reading**

(Sponsored by Land Use & Development Committee)

(Legislative Tracking: Planning)

**ACTION:** Title of the Ordinance read into the record. Ordinance approved on first reading as amended. Motion made by Commissioner Malakoff to approve the Ordinance; seconded by Commissioner Weithorn; Ballot vote: 6-0; Absent: Commissioner Wolfson. Second reading and Public Hearing scheduled for November 19, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

Pursuant to Section 2-13 of the Code, motion was made by Commissioner Weithorn to accept the Land Use and Development Committee's recommendation; seconded by Commissioner Malakoff; Voice vote 6-0; Absent: Commissioner Wolfson.

**Amendment:**

Height to be increased to 40 feet, from the current 35 feet listed on page 390.

Thomas Mooney, Planning Director, stated that this Ordinance amendment corrects an error made when it was originally adopted in 2002 and 2006 pertaining to lot aggregation for lots that are 50 feet in width or less. The Land Use and Development Committee (LUDC) and the Planning Board have recommended that provision three (3), regarding lots that are 50 feet in width or less, that said requirement be stricken in terms of the aggregation, and both the Committee and Board recommended that in terms of maximum building heights for lots 50 feet in width or less that they be raised from 35 to 40 feet, and that is due to the fact that four stories are permitted, and is tough to get four stories in the 35 feet. The other thing the Administration wanted to point out is that on Page 390, they inadvertently neglected to change one of the provisions from 35 to 40 feet, and they would like to make this as part of the motion and they will incorporate it into the text for second reading. The Administration recommends the Ordinance be approved on first reading, and that a second reading, public hearing be scheduled for November 19, 2014.

Commissioner Malakoff asked for clarification on the provision added.

Mr. Mooney explained that on Page 390, there is a section regarding a requirement for a smaller building height if the lots are aggregated and they contain a contributing building, and that is for a lot that would be exceeding 50 feet. There is a height limit of 35 feet now, but technically one can go to four stories or five stories, and he believes the intent of the LUDC and Planning Board was to allow that to be 40 feet as well.

Commissioner Weithorn asked if 40 feet is going to be necessary as they start changes in flood elevation.

Mr. Mooney stated that now that heights are measured from base flood elevation, that also is more of an advantage.

Motion made by Commissioner Malakoff to move the item with the addition of the lots exceeding 50 feet, upon which exist a contributing structure, which has not received a certificate of appropriateness for demolition, that the height instead of 35 feet should be 40 feet; seconded by Commissioner Weithorn.



**9:54:53 a.m.****R5J** Parking District No. 5 - Sunset Harbour

An Ordinance Amending The Code Of The City Of Miami Beach, Florida By Amending Chapter 130, "Off-Street Parking," Article II "District; Requirements," Section 130-33, "Off-Street Parking Requirements For Parking Districts Nos. 2, 3 4, 5 And 6," By Amending The Sunset Provision For Parking District No. 5; Providing For Codification; Repealer; Severability; Applicability; And An Effective Date. **First Reading**

(Sponsored by Land Use and Development Committee)  
(Legislative Tracking: Planning)

**ACTION:** Title of the Ordinance read into the record. **Ordinance approved on first reading.** Motion made by Commissioner Weithorn to approve the Ordinance; seconded by Commissioner Malakoff; Ballot vote: 5-0; Absent: Commissioner Wolfson. Mayor Levine recused himself. Second reading and Public Hearing scheduled for November 19, 2014. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

Pursuant to Section 2-13 of the Code, motion was made by Commissioner Weithorn to accept the Land Use and Development Committee's recommendation; seconded by Commissioner Malakoff; Voice vote: 5-0; Absent: Commissioner Wolfson. Mayor Levine recused himself.

Thomas Mooney, Planning Director, explained that this particular Ordinance amendment removes the sunset provision made part of the original Ordinance adopted on December 12, 2012. The sunset provision would have gone into effect on December 12, 2014. There is a recommendation from the Land Use and Development Committee (LUDC) to eliminate the sunset provision as the Sunset Harbor Parking Garage has been acting in a manner in which it was anticipated to do. The LUDC also recommended that periodic progress reports come back in order to measure the progress of the new regulations or the regulations that are in place for Parking District Number Five. The Planning Board endorses the Ordinance and the Administration recommends approval at first reading.

Discussion held.

Commissioner Malakoff explained that this does include a progress report on the District to be provided within one year, and she thinks that is very important.

Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff.

**Handouts or Reference Materials:**

1. Form 8B, # 109 filed by Mayor Philip Levine.

**10:06:31 a.m.****R5K Single Family Home Development Regulations**

An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 114, "General Provisions," Section 114-1, "Definitions," By Including Definitions For 'Interior Side Yard Open Space', 'Internal Courtyard', 'Terrace' And 'Roof Deck'; By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," By Amending The Criteria And Procedures For The Review And Approval Of Single-Family Residential Construction To Include The Requirement That All Homes On Lots Resulting From A Lot Split Shall Be Reviewed By The Design Review Board Or Historic Preservation Board, By Amending And Clarifying The Calculation Of Lot Coverage And Unit Size, By Amending And Clarifying The Calculation Of The Physical Volume Of The Second Floor, By Amending And Clarifying The Regulations Regarding Roof Decks, By Modifying The Procedures Pertaining To The Issuance Of Emergency Demolition Orders And The Review And Approval Of Demolition Requests For Single Family Homes Not Located Within A Designated Historic District, And By Amending And Clarifying The Posting And Mail Notice Requirements For The Formal Determinations Of Architectural Significance Of An Eligible Single-Family Home That Is Proposed To Be Substantially Retained; Providing For Repealer; Codification; Severability; And An Effective Date. **First Reading**

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Planning)

**ACTION:** Title of the Ordinance read into the record. **Ordinance approved on first reading.** Motion made by Commissioner Malakoff to approve the Ordinance; seconded by Commissioner Weithorn; Ballot vote: 6-0; Absent: Commissioner Wolfson. Second reading and Public Hearing scheduled for November 19, 2014. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

Pursuant to Section 2-13 of the Code, motion was made by Commissioner Weithorn to accept the Land Use and Development Committee's recommendation; seconded by Commissioner Malakoff; Voice vote 6-0; Absent: Commissioner Wolfson.

Thomas Mooney, Planning Director, explained that this is an Ordinance amendment that supplements the Ordinance adopted by this Commission earlier this year in February. The Ordinance: 1) Clarifies the definition of what constitutes interior side open space versus an internal courtyard; 2) Modifies the 70% second floor rule as it pertains to interior height volume; 3) Requires mandatory DRB review of all lots created through the lot split process, and 4) Clarifies the procedures for homes, as it pertains to noticing of homes that are being retained, as well as homes that have had an emergency demolition order issued. The Planning Board recommended approval of this Ordinance, and transmitted it on September 23, 2014. The Planning Board also recommended that the proposed Ordinance not apply to applications that either filed for Land Use Board approval or obtained a building permit process number on or before September 23, 2014. The Administration supports that exception clause, and recommends that if adopted a first reading, it be included with that exception clause.

No discussion held.

**10:23:01 a.m.**

R5L An Ordinance Amending Chapter 70 Of The Code Of The City Of Miami Beach, Entitled "Miscellaneous Offenses," By Amending Article II, Entitled "Public Places," By Amending Division 2, Entitled "Bicycling, Skateboarding, Roller Skating, In-Line Skating, And Motorized Means Of Transportation," By Amending Section 70-66, Entitled "Definitions" To Incorporate The Exemption For Motorized Wheelchairs And Similar Devices Used By Disabled Persons Into The Definition Of "Motorized Means Of Transportation," Making Corresponding Amendments Throughout Division 2, And Adding A Definition For High Impact Periods; By Amending Section 70-67, Entitled "Prohibited Activities," To Amend The Locations Where Motorized Means Of Transportation Are Prohibited; By Amending Section 70-69, Entitled "Responsibilities Of Bicyclists, Skaters, And Persons Operating Electric Personal Assistive Mobility Devices," By Amending The Responsibilities Set Forth Therein And To Include Persons Operating Motorized Means Of Transportation; By Amending Section 70-70, Entitled "Responsibilities Of Persons And Business Entities Providing Rentals, Leases, And/Or Tours Of Electric Personal Assistive Mobility Devices," By Amending The Responsibilities Set Forth Therein; And By Amending Section 70-71, Entitled "Enforcement; Penalties," To Provide Housekeeping Amendments; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**  
(Sponsored by Commissioner Jonah Wolfson)  
(Legislative Tracking: Transportation)

**ACTION:** Title of the Ordinance read into the record. **Ordinance approved on first reading.** Motion made by Commissioner Wolfson to approve the Ordinance; seconded by Vice-Mayor Grieco; Ballot vote: 7-0. Second reading and Public Hearing scheduled for November 19, 2014. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **Jose Gonzalez to handle.**

Rafael E. Granado, City Clerk, announced that he has been asked to request that the item be open and continued.

Vice-Mayor Grieco inquired why the item was requested to be opened and continued.

Raul J. Aguila, City Attorney, explained that Commissioner Wolfson's aide had indicated earlier that Commissioner Wolfson may not be here on time, but since he is here, he may want to pursue and move forward.

Commissioner Wolfson stated that the Ordinance language has been rewritten and asked Mr. Jose Gonzalez, Transportation Director, to introduce the item from his perspective.

Jose Gonzalez, Transportation Director, stated that there have been several Ordinances related to this issue [Electric Personal Assistive Mobility Devices (commonly referred to as Segways)] that have been adopted by the City Commission. Each Ordinance has regulated a different aspect of the industry, from the maximum speeds, to locations where the devices are prohibited, responsibilities of entities providing rentals, as well as responsibilities of persons operating the devices. This Ordinance incorporates various housekeeping items, as well adding safety regulations that were proffered back in July, when a similar Ordinance was going for second reading. The proposed Ordinance will be discussed in detail at the October 31, 2014 Neighborhood/Community Affairs Committee.

Commissioner Wolfson has been advised that there was a meeting to be held with Debora Turner, First Assistant City Attorney and Henry Stolar, and there were a couple final tweaks, but

that the meeting was unable to occur. He was asked to do one final redraft of the Ordinance, to make sure that everything was just right and he suggested bringing it back next month.

Vice-Mayor Grieco suggested discussing the item, voting on first reading and making the final changes between first and second reading.

Discussion held.

Vice-Mayor Grieco explained that the issue regarding Segways and motorized vehicles is something that came up perpetually during the campaign last year and throughout his time in office, and the City has been trying to work with the industry. They tried the first time and did not work. There is still a great deal of noncompliance. The main bullets of this Ordinance, from what he understand, is that it is going to limit the usage to tours, and it is going to mirror the Ordinance in Chicago, and how they handle these types of Segways and other motorized vehicles.

Commissioner Wolfson stated that as long as the City Attorney agrees with minor additions without making major substantive changes, he thinks they can go ahead on first reading and then they can have that meeting in between.

Motion made by Commissioner Wolfson to approve the Ordinance on first reading; seconded by Commissioner Weithorn.

**10:10:40 a.m.**

R5M An Ordinance Amending Ordinance No. 93-2836 Of The City Of Miami Beach, Regarding The Establishment Of A Trust Fund For The "City Center/Historic Convention Village Redevelopment And Revitalization Area," By Amending Section 4 Thereof To Extend The Period Of Funding The Trust Fund; Providing For Repealer, Severability, And An Effective Date. **First Reading**  
(Sponsored by Mayor Philip Levine)  
(Legislative Tracking: Tourism, Culture & Economic Development)

**ACTION:** Title of the Ordinance read into the record. **Ordinance approved on first reading.** Motion made by Commissioner Weithorn to approve the Ordinance; seconded by Commissioner Malakoff; Ballot vote: 6-0; Absent: Commissioner Wolfson. Second reading and Public Hearing scheduled for October 29, 2014. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **Max Sklar to handle.**

Jimmy L. Morales, City Manager, explained that this is the extension of the RDA for purposes on the Convention Center funding. He reported that yesterday the County Commission unanimously adopted on first reading the RDA extension, so this is a critical step in the process.

**R7 - Resolutions****9:47:40 a.m.**

- R7A A Resolution Pursuant To Section 142-425(d) Of The City Code, Waiving By 5/7<sup>th</sup> Vote Of The City Commission After Public Hearing, The Development Regulations Under Section 6-4(4) To Allow For Alcohol Sales For Consumption On Site For O Cinema At The Byron Carlyle Theater And At The Miami Beach Cinematheque Theater; Two Not-For-Profit, Cultural Organizations Utilizing The Theaters. **9:35 a.m. Public Hearing**  
(Tourism, Culture & Economic Development)

**ACTION:** Title of the Resolution read into the record. Public Hearing held. **Resolution No. 2014-28790 adopted.** Motion made by Commissioner Malakoff, seconded by Commissioner Weithorn; Voice vote: 6-0; Absent: Commissioner Wolfson. **Max Sklar to handle.**

Raul J. Aguila, City Attorney, stated that this is being done for two reasons: 1) The City has an existing lease agreement with Miami Beach Cinematheque at the Old City Hall and in the process of executing the management agreement with the Byron Carlyle Theater for O Cinema to operate there, so this request is for a waiver of the City's development regulation to allow them to sell alcohol, and it does not wave any of the other conditions, such as a minor control plan, hours of operations, licensing, etc.

The City has already incorporated these requirements into the management agreement with the Byron Carlyle Theater, and if this is approved today, they will amend the Cinematheque lease to incorporate the same conditions. This is a 5/7<sup>th</sup> waiver. He added that Byron Carlyle plans to sell beer and wine.

Thomas Mooney, Planning Director, stated that the Planning Board unanimously approved this at their last meeting.

Commissioner Weithorn stated that we need to do this to stay competitive in the market.

Handout or Reference Material:

1. Ad 942 published in The Miami Herald

**11:03:00 a.m.**

**SUPPLEMENTAL MATERIAL 2 – Memorandum and Resolution:**

R7B A Resolution To Consider Approval, Following First Reading/Public Hearing Of A Development Agreement As Authorized Under Section 118-4 Of The City Code, And Sections 163.3220 - 163.3243, Florida Statutes, Between The City And 8701 Collins Development, LLC ("8701"), Which Development Agreement: (1) Memorializes The Conditions For Vacating The City's Right Of Way At 87<sup>th</sup> Terrace East Of Collins Avenue ("City Parcel"); (2) Grants To The City A Perpetual Pedestrian Access Easement Across A Portion Of The Vacated City Parcel; (3) Ensures The Payment Terms For 8701's Payment Of A Voluntary Monetary Contribution, In The Amount Of \$10.5 Million Dollars, To Be Used By The City For Public Purposes; (4) Delineates The Conditions For The Construction Of The Project Located At 8701 Collins Avenue As A Hotel And/Or Residential Condominium Site; And (5) Subject To And Contingent Upon 8701's Satisfaction Of The Conditions Set Forth In The Development Agreement; And Further Setting The Second And Final Reading Of The Development Agreement For A Time Certain. **11:00 a.m. Public Hearing**

(Office of the City Attorney)

**ACTION:** Title of the Resolution read into the record. Item opened and continued to **October 29, 2014 at 5:40 p.m.** Motion made by Vice-Mayor Grieco, seconded by Commissioner Malakoff; Voice vote: 7-0. Lilia Cardillo to place on the City Commission agenda if received. **Office of the City Attorney to handle.**

Jimmy L. Morales, City Manager, stated that they need to open and continue this item because they are still working on the Development Agreement.

Raul J. Aguila, City Attorney, requested that Item R7C be opened and continued as well, as it is the companion item.

Handout or Reference Materials:

1. Ad in The Miami Herald No. 944.

**11:04:07 a.m.**

R7C A Resolution Accepting The September 24, 2014 Unanimous Recommendation Of The Finance And Citywide Projects Committee To Dedicate The \$10.5 Million Dollar Voluntary Contribution By 8701 Collins Development, LLC (8701), As Contemplated Under Resolution No. 2014-28743, Toward The Area Of North Beach, North Of 69th Street; And To Utilize 50 Percent (50%) Of The 10.5 Million Toward The Revitalization Of North Beach Open Space Park, Including Creating An Endowment Account To Ensure The Future Renewal, Replacement And Maintenance Of The Park.

(Public Works)

**ACTION:** Item heard in conjunction with item R7B. **Item opened and continued.** Motion made by Vice-Mayor Grieco, seconded by Commissioner Malakoff; Voice vote: 7-0. Lilia Cardillo to place on the City Commission agenda if received. **Eric Carpenter to handle.**

No further discussion was held.



**10:12:10 a.m.**

R7D Design Review Board Appeal – DAS Node at 1604 Alton Road  
A Resolution Setting A Public Hearing, Pursuant To Section 118-262 Of The City Code, For An Appeal Filed By ARRP Miami, LLC, Of The Design Review Board's Order Relating To DRB File No. 23062 To Locate A Distributed Antenna System (DAS) Node At 1604 Alton Road, And Setting Such Public Hearing For The City Commission Meeting Of December 17, 2014.  
(Planning Department)

**ACTION: Resolution No. 2014-28791 adopted.** Motion made by Commissioner Weithorn, seconded by Commissioner Malakoff setting a public hearing to the December 17, 2014 Commission Meeting; Voice vote: 6-0; Absent: Commissioner Wolfson. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

Thomas Mooney, Planning Director, introduced the item. The Design Review Board (DRB) approved this item. It was one of many applications that have been filed for a distributed antenna system (DAS). This particular DRB appeal was appealed by a neighboring property owner, and pursuant to the City Code, the first action is to set a public hearing for the appeal, and the Administration would recommend that the Commission set the public hearing for the December 17, 2014 meeting, so that the 30-day notice requirement can be met.

Melissa Anderson, from Crown Castle, requested to continue the item until they know what is happening with the moratorium and the Ordinance. She understands that the City is concerned about the "shot clock;" however, Ms. Anderson would agree to hold the "shot clock" until such time as this item is set for appeal. Ms. Anderson added that there was an F.C.C. order that came out on Friday that may affect what is going on here and she thinks we all need to understand the order and come back at another time to discuss this.

Raul J. Aguila, City Attorney, stated that they have no objection to Ms. Anderson's request.

Commissioner Weithorn stated that she wants to make sure that the City preserves its rights, and everything else it may need. We can set the appeal for December 17, 2014, and we can always change it; but why would we not want to set a date. If something happens next month where there is a change in the law, we can move the appeal date, but why would we not want to start the appeal process as the City has its own rules.

Motion made by Commissioner Weithorn, seconded by Commissioner Malakoff setting a public hearing to the December 17, 2014 Commission Meeting.

**Clerk's Note:** The Mayor and Commissioners of the City of Miami Beach, Florida, pursuant to Section 118-262 of the Code of the City of Miami Beach, on **Wednesday, December 17, 2014 at 11:00 a.m.**, or as soon thereafter as the matter can be heard, at City Hall, 1700 Convention Center Drive, Commission Chambers, 3rd Floor, Miami Beach, Florida, will review the decision of the Miami Beach Design Review Board (DRB), rendered on August 5, 2014, relating to DRB File No. 23062, pertaining to the approval of a Stealth Distributed Antenna System (DAS) node within the public right-of-way at the approximate location of 1604 Alton Road. The Request for City Commission Review has been filed by appellant ARRP (ARRP) Miami, LLC.

**10:14:59 a.m.**

R7E A Resolution Setting A Public Hearing To Adopt The Fifth Amendment To The General Fund, Enterprise Fund, Internal Service Fund, And Special Revenue Fund Budgets For Fiscal Year (FY) 2013/14.

(Budget & Performance Improvement)

**ACTION: Resolution No. 2014-28792 adopted.** Motion made by Commissioner Weithorn, seconded by Commissioner Steinberg; setting a public hearing to the November 19, 2014; Voice vote: 6-0; Absent: Commissioner Wolfson. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **John Woodruff to handle.**

Commissioner Weithorn explained that this happens every year, and it is only a housekeeping item.

No further discussion was held.

**10:15:39 a.m.**

R7F Accept NCAC Recommendations Regarding Workforce Housing And Area Median Income  
1. A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee And Directing The City Manager To Utilize Targeted Marketing To Prioritize Placement In The London House Apartments And In Those Buildings Anticipated To Be Acquired From Miami Beach Community Development Corporation, To Include The Barclay Plaza Apartments; Lottie Apartments; Madeleine Village Apartments; Allen House Apartments; And Neptune Apartments; And Specifically Targeting Those Households Employed In Education, Public Safety And Municipal Occupations And Earning Up To Eighty Percent (80%) Of The Area Median Income (AMI).

(Housing & Community Services)

**ACTION: Resolution No. 2014-28793 adopted.** Motion made by Commissioner Weithorn, seconded by Vice-Mayor Grieco; Voice vote: 6-0; Absent: Commissioner Wolfson. **Maria Ruiz to handle.**

Maria Ruiz, Housing & Community Services Director, introduced the item. At last month's Neighborhood/Community Affairs Committee, they had a presentation regarding workforce housing, and at that presentation, three distinct motions were brought forth. The first is addressing the acquisition of the London House, and how they are going to be able to market that space and who is going to be living in that building once it is completed. Because we have NSP, HOME and CDGB funds in that property, they are required to assure that those residents who are living there will make no more than the 80% of the median area income. The Committee supported that motion and now they are here to get the City Commission's support to begin drafting a marketing campaign to be able to house people in that building come December 2015.

No further discussion was held.

Handout or Reference Material:

1. Email from Frank Del Vecchio [fdelvecchio@atlanticbb.net](mailto:fdelvecchio@atlanticbb.net) dated October 17, 2014 RE: Workforce Housing, R7F, October 22, 2014 City Commission Meeting.

**10:16:50 a.m.**

2. A Resolution Accepting The Recommendation Of The Neighborhoods/Community Affairs Committee And Directing The City Manager To Pursue The Development Of Workforce Housing For Households Earning From One Hundred Twenty Percent (120%) To One Hundred Forty Percent (140%) Percent Of Area Median Income; And Further Authorizing The Use Of Targeted Marketing To Prioritize Placement Of Those Households Employed In Education, Public Safety And Municipal Occupations.

(Housing & Community Services)

**ACTION: Resolution No. 2014-28794 adopted.** Motion made by Commissioner Malakoff, seconded by Vice-Mayor Grieco; Voice vote: 6-0; Absent: Commissioner Wolfson. **Maria Ruiz to handle.**

Maria Ruiz, Housing & Community Services Director, introduced the item. On this particular item, they are specifically looking identify that the workforce housing population that they are looking to seek to house is at 120 to 140% AMI. This means they are making 120 to 140% of the area median income (AMI) for the area. Therefore, their goal here would be to be able to come up with some strategies as to how they can actually create housing to house that particular segment of our population. That is obviously above the typical range that they serve, which is at 80% AMI.

Commissioner Weithorn stated that they must make sure that when they do a target, that they take it into account, whatever master planning and other work they have done in the City, so they do not end up doing this outside of what they already do. **Maria Ruiz to handle.**

Commissioner Tobin stated that Vice-Mayor Grieco should receive an “at a boy” for all the work he has done on this subject.

Vice-Mayor Grieco stated that this item was vetted and it was discussed at length, and Maria Ruiz did a great job of talking about where and who they are going to be targeting; they are trying to encourage teachers, Mount Sinai employees, and other such employees to live and work in the City. Vice-Mayor Grieco added that Commissioner Malakoff has been instrumental in this effort.

Commissioner Malakoff added that by having our teachers, our City employees, our Mount Sinai employees and even our tourism and hospitality employees live in the City instead of commuting from elsewhere it will reduce traffic in the City.

**10:18:52 a.m.**

3. A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee And Directing The City Manager To Explore The Development Of Workforce Rental Housing, To Be Located On The West Side Of The Convention Center Parking Lot; For And For The Developed Housing To Benefit Households Employed In Education, Public Safety And Municipal Occupations And Earning From One Hundred Twenty Percent (120%) To One Hundred Forty Percent (140%) Of The Area Median Income (AMI).

(Housing & Community Services)

**ACTION: Resolution rejected.**

Maria Ruiz, Housing & Community Services Director, introduced the item. This final item is one that was generated by the Neighborhood/Community Affairs Committee itself, and in essence it is looking at the west side of the P Lot as a possible location for workforce housing, again at that 120 to 140% AMI, and targeting those specific industries of education, public safety and

municipal occupations. The one thing where they need some direction on is whether that is something the entire Commission wishes to move forward on. It may potentially affect the plans that are already in place for the Convention Center renovation project.

Mayor Levine stated that he believes the Commission agrees that they are building a park with lots of green space, which the City wants and deserves, on the P Lot. Mayor Levine does not consider this an appropriate location for workforce housing.

Discussion continued.

Mayor Levine reiterated that the P Lot is not the right place, and they do not want to in any way delay the building of the Convention Center.

**10:20:29 a.m.**

R7G A Resolution Supporting The State Legislature's Efforts To Amend Section 403.7033, Under House Bill 1257 And Companion Senate Bill 830, Which Amendments Would Provide For Local Regulation And Enforcement Of Plastic Bags Under The State's Proposed Guidelines; Alternatively, Should The Statute Not Be Amended, The City Commission Requests The Repeal Of Section 403.7033, Florida Statutes, So That Local Governments Are No Longer Preempted From Enacting Appropriate Legislation Relating To The Regulation Of Plastic Bags.

(Sponsored by Vice-Mayor Michael Grieco)  
(Legislative Tracking: Office of the City Attorney)

**ACTION: Resolution No. 2014-28795 adopted.** Motion made by Vice-Mayor Grieco, seconded by Commissioner Weithorn; Voice vote: 6-0; Absent: Commissioner Wolfson. **Joe Jimenez to add to the legislative agenda and to handle.**

Vice-Mayor Grieco stated that as some of you may know, there are multiple preemptive State Statutes that prevent the City from doing certain things. One of them is that the City cannot legislate any items as they apply to plastic or plastic bags. There is also a State Statute that preempts the City from passing legislation regarding where people can and cannot smoke on public property. There are some efforts being made locally now and in other cities to change that. However, this is a Resolution to express the desire that the City wants the State to change the laws. They want to be able to dictate what goes on in the City when it comes to plastic bags. They are strewn throughout the beach. Vice-Mayor Grieco and some of his colleagues on the Sustainability Committee actively clean these things up, and Surfrider and ECOMB are out there every day, both they and Vice-Mayor Grieco will tell you that every time they do a cleanup, there are more plastic bags found than anything else, except for little pieces of Styrofoam, and they are already addressing that issue so he would like to move the item.

**9:42:12 a.m.**

R7H A Resolution Proclaiming October 24, 2014, "Teacher And School Staff Breast Cancer Screening Day In The City Of Miami Beach;" And Recognizing The Collaboration Of The City Of Miami Beach/Miami Beach Chamber Of Commerce Healthcare Taskforce, Miami-Dade Public Schools, And The Mount Sinai Comprehensive Cancer Center In Their Efforts To Promote Preventive Health Measures In Our Community During National Breast Cancer Awareness Month.

(Sponsored by Commissioner Deede Weithorn)

(Legislative Tracking: Office of the City Attorney)

**ACTION: Resolution No. 2014-28796** adopted proclaiming October 24, 2014 "Teacher and School Staff Breast Cancer Screening Day in the City of Miami Beach." Resolution approved by acclamation. **Office of the City Attorney to handle.**

Commissioner Weithorn introduced the item, and announced that this Friday there will be a free breast cancer screening for teachers at Mount Sinai. This is being announced today because members of the public watch these meetings on TV. This is to encourage them to support and participate, because there is no greater tool against cancer than screening. She is happy to support this and they will do a formal proclamation on October 29, 2014, but that is after the event.

Karen Rivo spoke.

**10:21:59 a.m.**

R7I A Resolution Approving And Authorizing The City Manager Or His Designee To Take The Following Actions: 1) Submit To The State Of Florida, Department Of Environmental Protection, A Request For Inclusion On The Clean Water State Revolving Fund (CWSRF) Priority List; 2) Submit To The State Of Florida, Department Of Environmental Protection, A Loan Application For Planning Funds From The Clean Water State Revolving Fund Program; And, 3) Establish Pledged Revenues And Execute A Loan Agreement For Planning Funds Through The State Revolving Fund Program To Finance Proposed Stormwater Bond Projects; Approving And Authorizing The Appropriation Of The Above Funds, Including Any City Expenses; And Further Authorizing The City Manager Or His Designee To Take All Necessary Steps And Execute All Necessary Documents Related To The Above Actions And To Provide The Assurances And Commitments Required By The Loan Application.

(Budget & Performance Improvement)

**ACTION: Resolution No. 2014-28797 adopted.** Motion made by Commissioner Tobin, seconded by Commissioner Weithorn; Voice vote: 7-0. Patricia Walker to appropriate the funds. **Patricia Walker, Judy Hoanshelt and John Woodruff to handle.**

Jimmy L. Morales, City Manager, introduced the item. The Florida Department of Environmental Protection has a revolving loan fund for infrastructure projects. The Administration believes that the City is going to have the ability to tap those resources for the storm water projects, and these funds have a much lower interest rate than bonds, and it may be able to save us money as the doing the storm water projects.

No further discussion.

**10:56:21 a.m.**

- R7J A Resolution Approving And Authorizing An Amendment To The FY 2014/2015 Action Plan; Said Amendment Authorizing The Reallocation Of \$122,492.44 Of FY 2014/2015 HOME Investment Partnerships Program (HOME) Funds From The London House Project To The Carrfour Harding Village Project; Providing For A Thirty (30) Day Public Comment Period; And Scheduling A Public Meeting On The Proposed Amendment To The City's FY 2014/2015 Action Plan; And Further Authorizing The City Manager To Execute Any Documents Necessary To Effectuate The Reallocation Of Said Home Funds To The Carrfour Harding Village Project.  
(Housing & Community Services)

**ACTION: Resolution No. 2014-28798 adopted.** Motion made by Commissioner Weithorn, seconded by Commissioner Malakoff; Voice vote: 7-0. **Maria Ruiz to handle.**

Maria Ruiz, Housing & Community Services Director, introduced the item. This particular item allows us to make whole the moneys that were lost as result of the de-obligation of the expiring HOME funds. This particular location, Harding Village Apartments, is currently housing 41 veterans and 35 seniors, and the majority of the work is to repair the roof and to make some internal repairs to the units.

Commissioner Weithorn stated that if everyone would be as in succinct and clear as Maria Ruiz these meetings would fly.

No further discussion.

**10:57:07 a.m.**

- R7K A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee And The Finance & Citywide Projects Committee At The September 24, 2014 Joint Meeting To Accept The Recommendation For Staff To Pursue The Feasibility Of The Development Of A Teen Center At The Scott Rakow Youth Center Parking Lot To Replace The 21<sup>st</sup> Street Teen Center.  
(Parks & Recreation)

**ACTION: Resolution No. 2014-28799 adopted.** Motion made by Vice-Mayor Grieco, seconded by Commissioner Malakoff; Voice vote: 7-0. **John Rebar to handle.**

John Rebar, Parks and Recreation Department Director, explained that on September 24, 2014, they took this item to the Joint Neighborhood and Finance Committee Meeting to discuss where they could look at relocating the 21<sup>st</sup> Street Teen Center that is going to be removed as part of the Convention Center Project. The Committees recommended for staff to look at the feasibility of moving the Teen Center to the Scott Rakow Youth Center (SRYC) parking lot area, where the joint facilities could be used. At the proposed location, the teens could use the park behind it, as well as some of the amenities in the SRYC. The plan that is being proposed is to build a two-story building where they would still maintain park on the first floor. Mr. Rebar added that parking is the main issue, and must be considered regardless of what is decided. What is being requested today is to get authorization for staff to continue to pursue this idea, and for the Planning Department to conduct a massing study; and to bring it back to the Committee to see what the building would look in the footprint of that property.



Commissioner Malakoff inquired if the City is also going to look at a safe drop-off area, so that parents will not need to park, they could simply and safely drop off their children at the Youth Center at the circular driveway. Mr. Rebar responded in the affirmative. **John Rebar to handle.**

**10:58:53 a.m.**

R7L A Resolution Accepting The September 24, 2014 Recommendations Of The Finance And Citywide Projects Committee To Schedule A North Beach Revitalization Plan City Commission Workshop, And Further Directing The Administration To Begin Negotiations With AT&T For The Potential Purchase Of Air Rights For 6940 Abbott Avenue From AT&T For Future Development Of A Parking Garage In The North Beach Town Center.

(Tourism, Culture & Economic Development)

**ACTION: Resolution No. 2014-28800 adopted.** Motion made by Commissioner Weithorn, seconded by Commissioner Tobin; Voice vote: 7-0. **Max Sklar to handle.**

Jimmy L. Morales, City Manager, introduced the item. This is the AT&T property that is south of the parking lot the City has on North Beach. This item authorizes the Administration to start conversations with AT&T for the potential purchase of air rights for 6940 Abbott Avenue from AT&T for future development of a parking garage in the North Beach Town Center.

Commissioner Weithorn stated that this was heard at Finance Committee, and she sees absolutely no reason not to start the discussion; until they obtain more information, there is nothing to do.

**11:00:36 a.m.**

**SUPPLEMENTAL MATERIAL 1 - Resolution:**

R7M A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals, Pursuant To Request For Proposals (RFP) No. 2014-278-ME For Owners Representative Services For The Miami Beach Convention Center Renovation And Expansion Project.

(City Manager's Office/Procurement)

**ACTION: Resolution No. 2014-28801 adopted.** Motion made by Vice-Mayor Grieco to accept the recommendation, but if not successful, to negotiate with the number two ranking company; seconded by Commissioner Weithorn; Voice vote: 7-0. **Office of the City Manager and Alex Denis to handle.**

Maria Hernandez, Project Director of the Convention Center, explained that on October 3, the evaluation committee met and ranked five firms that gave the City proposal to be the owner's representative for the Convention Center project. There was a tie, at least under the qualifications and cost section. However, under qualifications only, Hill International clearly made the first cut. They are seeking approval to be able to enter into negotiations with Hill International to bring them on as owner's rep.

Mayor Levine asked if they are a big group. Ms. Hernandez responded that they are the largest owner's rep company in the world.

Jimmy L. Morales, City Manager, explained his recommendation, and asked that if they cannot get an agreement with Hill International that the Administration be allowed to negotiate with the number two ranking company.

Motion made by Vice-Mayor Grieco to accept the recommendation on Hill, and if not successful to also to negotiate with QRS.

Commissioner Weithorn stated, for the record, that there is a significant dollar difference; if they cannot come to terms, they will not stop the process and go with number two.

**2:56:11 p.m.**

**SUPPLEMENTAL MATERIAL 1 - Memorandum:**

R7N A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals, Pursuant To Request For Qualifications No. 2014-128-ME (The RFQ), For Legislative Consulting Services; Authorizing The Administration To Enter Into Negotiations With The Top Ranked Proposer, Corcoran And Associates, Inc.; And Should The Administration Not Be Successful In Negotiating An Agreement With The Top-Ranked Proposer, Authorizing Negotiations With The Second-Ranked Proposer, Ballard Partners, Inc.; And Should The Administration Not Be Successful In Negotiating An Agreement With The Second-Ranked Proposer, Authorizing Negotiations With The Third-Ranked Proposer, Rutledge Ecenia, P.A.; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.

(City Manager's Office/Office of the City Attorney)

**ACTION: No Resolution was adopted.** Motion made by Vice-Mayor Grieco, Commissioner Tobin to accept the City Manager's recommendation; Voice vote: 7-0. **City Manager's and Office of the City Attorneys to handle.**

Raul J. Aguila, City Attorney, stated that at the last meeting the City Commission accepted the City Manager's recommendation and authorized to negotiate with Corcoran and Associates, Inc. There was a concern that there may be certain conflicts of interest that could come up during the representation by this team at the Legislature, and many of the Commissioners expressed the concern with regard to their representation of gaming interests or other similar interests. In order to give the City Commission contractual maximum flexibility, there is an out clause; they have agreed to an absolute termination for convenience clause upon 120-day written notice. It is not just limited to a perceived conflict or an actual conflict, but for any reason whatsoever. City Attorney Aguila is recommending that if the City Commission is satisfied with the out clause that they negotiated, that City Commission direct them to finalize the contract and get it executed.

City Clerk's Note: Documents for this item are filed under Resolution 2014-28747.

**11:04:03 a.m.**

**ADDENDUM MATERIAL 2:**

R7O A Resolution Amending Resolution No. 2014-28742, Which Acknowledged Mayor Philip Levine's Decision To Voluntarily Forego The Full Annual Salary And Other Compensation And Benefits Afforded To The Office Of Mayor, As Hereinafter Set Forth In This Resolution (The "Mayor's Compensation"), In Order To Approve The Transfer Of Funds Equivalent To The Mayor's Compensation, From The City Of Miami Beach To One Miami Beach, Inc., So That Such Funds May Be Expended By One Miami Beach, Inc. To Fund Programs, As Determined By One Miami Beach, Inc., That Benefit The Health, Well-Being, And Quality Of Life Of The City's Senior Citizens.

(Requested by Mayor Philip Levine)  
(Legislative Tracking: Office of the City Attorney)

**ACTION: Resolution No. 2014-28802 adopted.** Motion made by Commissioner Wolfson, seconded by Commissioner Malakoff; Voice vote: 7-0. **Office of the City Attorney to handle.**

Mayor Levine stated that he is donating his salary and benefits, and putting the proceeds towards One Miami Beach, Inc., so it may be used for various program, for instance senior programs.

**R9 - New Business and Commission Requests**

R9A Board And Committee Appointments.

(Office of the City Clerk)

**ACTION:** The following changes and appointments were made:

**ART IN PUBLIC COMMITTEE:**

Lisette Olemberg-Goldstein	Removed due to absences		
Patricia Frost	Term ending 12.31.2015	Appointed by City Commission	TL 12.31.19

**COMMITTEE FOR QUALITY EDUCATION IN MIAMI BEACH:**

Tamar Oppenheimer	Rep. PTA for Ruth K. Broad K-8
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**DISABILITY ACCESS COMMITTEE:**

Lee Weiss	Removed due to absences
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**GAY, LESBIAN, BISEXUAL AND TRANSGENDER (GLBT):**

James Weingarten	Term ending 12.31.2015	Appointed by Commissioner Tobin	TL 12.31.21
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**HEALTH FACILITIES AUTHORITY BOARD:**

Michael Hall, M.D.	Term ending 06.19.2018	Appointed by City Commission	FS 154-207
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**MIAMI BEACH COMMISSION FOR WOMEN**

Heather Davis	Term ending 12.31.2015	Appointed by Commissioner Tobin	TL 12.31.21
Adrienne Krieger	Term ending 12.31.2016	Appointed by Commissioner Malakoff	TL 12.31.21

**EFFECTIVE 01/01/2015**

**MIAMI BEACH CULTURAL ARTS COUNCIL:**

Alan Randolph	Removed due to absences		
Merle Weiss	Term ending 12.31.15	Appointed by City Commission	TL 12.31.17

**MIAMI BEACH HUMAN RIGHTS COMMITTEE:**

Ivan Cano	Term ending 12.31.2015	Appointed by City Commission	TL 12.31.19
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**MAYOR'S BLUE RIBBON PANEL FOR WASHINGTON AVENUE**

Adriana Savino	Removed as of 10.13.2014		
Brian Falk	Term ending 7.09.2015	Appointed by Mayor Levine	

## Handouts and Reference Materials:

1. The Miami Herald Ad 940 – Notice of Land Use Board Vacancy - DRB

**4:12:03 p.m.**

R9A1 Board And Committee Appointments - City Commission Appointments.  
(Office of the City Clerk)

**ACTION:** The following nominations were made:

Commissioner Wolfson nominated Michael Hall, M.D. to the Health Facilities Authority Board;  
Seconded by Commissioner Tobin; Voice vote: 7-0. **Rafael E. Granado to handle.**

Commissioner Steinberg nominated Ivan Cano to the Miami Beach Human Rights Committee;  
Seconded by Commissioner Wolfson; Voice vote: 7-0. **Rafael E. Granado to handle.**

At the request for Mayor Levine, Commissioner Wolfson nominated Patricia Frost to the Art in Public Places Committee; Seconded by Commissioner Malakoff; Voice vote: 7-0. **Rafael E. Granado to handle.**

Commissioner Weithorn nominated Merle Weiss to the Miami Beach Cultural Arts Council;  
Seconded by Commissioner Steinberg; Voice vote: 7-0. **Rafael E. Granado to handle.**

## Handout or Reference Materials:

1. Memorandum from Commissioner Wolfson nominating Michael Hall, M.D. to the Health Facilities Board.
2. Email from Commissioner Steinberg nominating Ivan Cano to the Miami Beach Human Rights Committee.
3. Email from Alex Miranda relating the Mayor's nomination of Patricia Frost to the Art in Public Places Committee.
4. Memorandum from Commissioner Weithorn nomination Merle Weis to the Miami Beach Cultural Arts Council.
5. Releases 1 and 2 – City Commission At-Large Nominations for October 22, 2014.

**11:05:24 a.m.**

**SUPPLEMENTAL MATERIAL 2 – LARRY COLIN’S RESUME**

R9A2 Nominate Ricky Arriola For Reappointment And Larry Colin For Appointment To The Performing Arts Center Trust (PACT).

(Requested by Mayor Philip Levine)

**ACTION:** Mayor Levine nominated Ricky Arriola for reappointment to the Performing Arts Center Trust (PACT), and nominated for appointment Larry Colin to the PACT. Motion made by Commissioner Tobin; seconded by Commissioner Malakoff; Voice vote: 7-0. **Rafael E. Granado to handle.**

**8:34:00 a.m.**

R9B1 Dr. Stanley Sutnick Citizen’s Forum. (8:30 a.m.)

**ACTION:** The following individuals spoke:

1. Maribel Ramirez on behalf of the Food and Water Watch stated that it is very important that the GMO (Genetically Modified Foods) Resolution be adopted. Many states where GMO bills passed began by initiating Resolutions at the local government level. The reason they are supporting the passage of this Resolution is to have labeling done. Labeling happens all the time; companies change labels for holidays to create new labels for marketing approaches. They just want transparency in labels to know what foods contain.

Commissioner Steinberg added that the GMO item is on the Consent Agenda. (See item C7C)

2. Karen Rivo, Health Care Task Force Chair, thanked the City Commission for their support in the past two years. Since they formed this Task Force with the City’s support and the support of the Chamber, other municipalities and the Health Foundation of South Florida, they have been able to put health suites in all the schools in the Miami Beach feeder pattern. This is actually remarkable, because in speaking with the Director of the School Health for the Miami-Dade County Public Schools, and of the 350 schools in Miami-Dade County, there are 159 suites. For Miami Beach to have all of the schools have direct health care for all of our children in the public schools is truly an amazing feat. The City Commission is the one to be commended. As a registered nurse and as a parent, Ms. Rivo can tell them the impact of this. She thanked Commissioner Steinberg for placing the item on the consent agenda today to ask to support and urge the Children’s Trust and the School System to continue to fund and sustain clinics in our schools. (See item C7D) The Children’s Trust has just gone through a year of strategic planning and they are changing the model. This is an opportunity and a challenge to us as a community. She asks the City Commission to stay vigilant, to support this as they move forward. She also thanked Commissioner Tobin for placing an agenda item to discuss the topic. (See item R9S) Finally, she thanked Commissioner Weithorn for placing an item on the agenda today proclaiming Friday Teacher And School Staff Breast Cancer Screening Day in our community. (See item R7H) This is an opportunity for every teacher and every staff to get a free mammogram at Mount Sinai this Friday during the teacher-planning day. This came out of the Health Task Force and was just a discussion.

3. Daniel Ciraldo spoke about a petition that he distributed to the Mayor's Office. It is about the home at 22 Star Island, which is a beautiful landmark home. The house was built in 1931, and unfortunately, it is up for demolition on November 4. This home is interesting, because it was built by the family; the woman was named the Witch of Wall Street. Apparently, she was the first female self-made billionaire in the world. There is another home on the Design Review Board that was built by Polly Lusk, the first female general contractor in the State of Florida. Unfortunately, next month there are several homes that really should be an important part of women's history in Florida and the world that are being demolished. His hope is that the City Commission could work together with the owners to see if there is some way to save these really beautiful homes and then maybe in the future ways to protect these homes so that these great jewels of our past are not lost due to speculation.

Mayor Levine explained that he spoke to the owners of the home, and he was told that he was going to see what kind of incentives the City would offer to incentivize renovation.

4. Kumar Prakash congratulated the City Commission for their efforts in establishing stormwater pump stations on Alton Road, which have helped the citizens so much.
5. Lisa Almy, on behalf of her neighborhood, stated that the majority of them are excited because the period for installation of the speed humps will be in in December. That is going to cause an increase in safety in the years to come, by having people slowing down. She requested that they do more Police enforcement of the speed limits from now until then, at least once a week on both Pine Tree and La Gorce Drive. The speed enforcement should be done randomly several times a week until the speed humps are installed.

Commissioner Weithorn stated that she drove that street in particular, and the Police Department has put a device there that measures speeds, so she thinks they are starting to capture that data.

Jimmy L. Morales, City Manager, explained that they are working on the installation of the speed humps. Mr. Morales explained that it literally takes a crew a day to install one because of the significant installation effort, and they are working on weekends and getting them in. They are also looking at outsourcing to expedite the process.

6. Michael Day spoke on a Resolution regarding the use of plastic bags. He added that plastic bags are an environmental disaster, they are in our waters and storm drain systems and whenever they do cleanups, probably the item they find the most is plastic bags. Unfortunately, they cannot regulate them because of a State preemption law. Vice-Mayor Grieco placed a Resolution, which he thinks is a step in the right direction, to hopefully have an impact on lobbying the State so they can have local control. (See item R7G) He encouraged the City Commission to support that Resolution, and send a message to the City Lobbyists that this should be an important issue, because the plastic bags are having a huge impact on local environment and our infrastructure as well with flooding.

Mayor Levine explained that this should have been done five, six, seven years ago. He does not understand why it waited this long to get to this point.

Michael Day stated that education and communication level also needs to continue and everyone should be in compliance now.



**3:49:20 p.m.**

R9B2 Dr. Stanley Sutnick Citizen's Forum. (1:00 p.m.)

**Clerk' Note:** None one requested to speak at the 1:00 p.m. Dr. Stanley Sutnick Citizen's Forum. At 3:49 p.m., Mayor Levine reopened the Dr. Stanley Sutnick Citizen's Forum, and the following individuals spoke:

1. Stanley Shapiro asked if the Mayor is aware that at the end of November, everybody in The Barclay building has to move out. Maria Ruiz and Kathy Brooks spent four hours at their building, and that is the reason he was upset.

Additionally, they have put a security guard in the lobby of City Hall. City Hall has been up 40 years. The City's director of security was paranoid with him. Mr. Shapiro stated that the director of security spoke to him like nobody has ever spoken to him in 40 years. The City is spending money on securing City Hall, yet it cannot find money for senior citizens, education and functional programs. You see two Police Officers here in the Commission Chambers. There were three Police Officers before. That money could be spent for senior citizen programming. Why does the City need three Police Officers here in the Commission meeting? Are we getting paranoid on security? Mr. Shapiro could not understand how a building such as City Hall that has been here for 40 years all of a sudden becomes a target. How much money is the City paying the security director? The money is not spent correctly, Mr. Shapiro stated and the City Manager is paranoid about security.

Commissioner Tobin stated that Mr. Shapiro has always been an advocate for senior citizens. He agrees that they are short on senior program funds, and he is sure that they can find those funds. Mr. Shapiro is a great advocate for seniors.

2. Sonia Navarro would like to remind the City Commission that Ocean Drive is not only for businesses. Even though the Ocean Drive Association is comprised mainly of business people, there are still a few residential buildings on Ocean Drive. So when the City Commission talks about Ocean Drive, whatever the Commission wants to do on Ocean Drive, she ask that they please consider that there are residents living there and invite the residents to any meetings relating to the future of Ocean Drive. During previous meetings, there were talks about Ocean Drive improvements. For her, the suggestions that have been made are not improvement. The suggestions would actually be worsening the situation on Ocean Drive. She stated that Lummus Park was donated by the Lummus family for a park, and now there is talk about taking away green areas on Lummus Park to make the west sidewalk on Ocean Drive wider. Ms. Navarro thinks if they really want to improve Ocean Drive, they should control that.
3. Josh Quire asked for an apology from Commissioner Wolfson.

Commissioner Wolfson stated Mr. Quire approached him in a threatening fashion, but he nevertheless asked security to allow Mr. Quire to stay and speak.

Mr. Quire asked stated that the City Commission is trying to restrict Segways again. Business is down 30% through the last restriction that the Commission imposed. Now the Commission is trying to restrict rentals, and he does not think it is lawful. Other cities restrict them from the parks. The City already kicked Segways out of the parks and the City is telling them that they cannot rent Segways anymore, but you can rent cars and guns in this Country. The City is trying to restrict us. Commissioner Wolfson is fighting for transportation with the Convention

Center and that is great. They are building 1,000 parking spaces in the Convention Center. He would like to know how many bike spaces there are in the proposed Convention Center project. If they are trying to make this community friendlier to pedestrians and cyclists, then you do not restrict alternative modes of transportation like the Segway. He is asking that the Commission let them be, and it seems like this Commission since they took office, the major agenda has become Segways. The Segway industry has done everything that this Commission has asked them to do, and business is down 30% and they have to lay off employees. Now it looks like they are on the ground, and the City is trying to kick them further with this Ordinance. (See item R5L)

4. David Kelsey, South Beach Hotel and Restaurants Association stated that he is concerned about hearing that the City wants to remove heaters from Ocean Drive, as they are going into the winter months. They are going to be scaring the business people there. The Commission wanted the heaters removed. The Commission wanted the umbrellas clamped together removed, and the handles removed.

Commissioner Malakoff clarified that the restaurants will be able to use the heaters during the time the restaurants are open. They just cannot store them on the sidewalks.

Mr. Kelsey added that a few years ago they went through a similar problem on Lincoln Road. They wanted all the heaters removed. They were able to get the Fire Department to agree that the heaters could be out there and simply shut off the gas valve. There is a limit to where you can store things on Lincoln Road. On Ocean Drive there are usually hotels side by side on the front property line, there is very little excess space to store heaters. Mr. Kelsey asked the Commission to give some thought to the people that are trying to run their businesses; it is difficult for them. The Ocean Drive businesses need to be invited to go over all of the plans that the City Commission is considering, before the City Commission commits to them. The Ocean Drive business leaders are essential to this conversation. The revival of all of Miami, particularly Miami Beach and South Beach, started on Ocean Drive. He asked that the City Commission work with the businesses.

5. Brian Gallego, Manager of Bike and Roll, agreed with some of the things that Josh Quire said, and believes the City is pushing Segways away. There is a better way to solve this; we must try to work together. He agrees that they should do tours instead of rentals, but then again, what is avoiding other people from renting Segways in Miami and riding them to Miami Beach. In addition, there is a recent law that mandates that riding Segways in the parks is not allowed, and there are still many people are riding in the park that are not following all the procedures. Bike and Roll is only doing tours. They do not let anybody go in the park. Everything their renters do is supervised. He asked how to move forward from here. How do they make everyone follow the rules?
6. Alberto Machado met with Sandra Washington, Section Chief - Bus Operations of Miami-Dade County Transit. Ms. Washington denied that one of their bus drivers punched him in his ribs and chest. He has the pictures of his bike on the floor. He explained how the incident happened.

Discussion held.

Mayor Levine asked Mr. Machado to contact the Mayor's aide so they may discuss this further.

**2:13:27 p.m.**

R9C Update On The Miami Beach Convention Center Project.  
(City Manager's Office)

**ACTION:** Discussed held in conjunction with item R9C1.

Handout and Reference Material:

1. Copy of PowerPoint presentation titled "Miami Beach Convention Center Renovation & Expansion."

**2:14:07 p.m.**

R9C1 Discussion Regarding The Schematic Design Of The Miami Beach Convention Center Project  
And Park.

(City Manager's Office)

**ACTION:** Discussion held in conjunction with item R9C. Motion made by Commissioner Weithorn to approve the design, with the caveat that the traffic study be considered; seconded by Commissioner Malakoff; Voice vote; 7-0. **Maria Hernandez to handle.**

Maria Hernandez, Project Director of the Convention Center, gave a PowerPoint presentation regarding the Miami Beach Convention Center Project. The presentation is conceptual in nature, but she announced that the schematic design consisted of six volumes of plans, about 1,300 sheets, with specifications done, and now they are moving to the design development phase, which the architects will present the project to the DRB for planning approval on November 7, 2014. They are asking today from the City Commission approval of the schematic design as it is going to be presented to serve as the basis of the finalization of the design criteria packet that will be done by December. Ms. Hernandez detailed the design, structure, amenities and parking facilities that will be provided by the planned Convention Center, including the replacement of the parking lot with a new public green space. Click [here](#) to view the presentation.

Jeff Sacks of Strategic Advisory Group and advisor to the City on the Convention Center, gave an update on the budget portion of the project including total costs, financing, and tax details.

Mayor Levine thanked Ms. Hernandez for an outstanding presentation. He expressed his desire for the public green space and the monument that will honor Miami Beach veterans, as well as veterans of all wars.

Commissioner Weithorn added that the City will receive economic benefits by making the proposed Convention Center energy efficient, and this should be taken into consideration given that the benefits could be substantial.

Commissioner Tobin asked if there is consensus in creating an area, somewhere in the property within the Convention Center, a place where residents can feel comfortable going to, maybe a restaurant, or a small area where residents can go to and enjoyed the air-conditioned space during the hot summer months.

Mayor Levine mentioned that in the park there will be a green type restaurant so everyone can enjoy the park and use when the weather is inclement.

City Manager Morales gave an account of his recent visit to Denver, Colorado, where he toured the City's Convention Center, and he noticed the building provided cafés, making it very inviting for people to stop by for a cup of coffee regardless of there being an event at the Convention Center.

Discussion held regarding total parking spaces offered by the new Convention Center Project.

Commissioner Malakoff spoke about her visit to Kansas City, Missouri, where she saw many performing art centers, museums and public art, and she hopes the new public green space includes something similar.

Maria Hernandez, Project Director of the Convention Center, stated that they will have art incorporated in the building, and in the park, but first they must make sure they can protect it from vandalism.

Discussion held regarding parking alternatives that offer a good vantage point of the City.

## **2:45:43 p.m.**

R9D Discussion Regarding The Possible Future Convention Center Hotel.  
(City Manager's Office)

**ACTION:** Referred to the Planning Board and Land Use and Development Committees to review: 1) the building's parking requirement; and 2) height restriction. Motion made by Commissioner Wolfson; seconded by Vice-Mayor Grieco; Voice vote: 7-0. **Maria Hernandez to handle.**

### **REFERRAL:**

Referred to the Planning Board and the Land Use and Development Committees

Jeff Sacks, Strategic Advisory Group and Advisor to the City on the Convention Center, gave an update. He suggested having the Convention Center Hotel referendum in the November 2015 ballot, so that they could adequately plan for it and have all the required studies done with enough time.

Mayor Levine stated that it is very important to have the traffic study done before the decision is made as to how many rooms the hotel should have. He emphasized the Commission wants to make sure this project will not reduce the quality of life of residents around the Convention Center, or anywhere else in the City.

Commissioner Tobin stated that the more rooms the hotel has the less traffic impact the City will have, because if most people stay on-site fewer people will be on the road getting to and from the Convention Center.

Mayor Levine agreed, but when the traffic report is done, he wants everyone on the City Commission to read the report, scrutinize it and make sure it is right.

Discussion held.

Commissioner Malakoff asked whether hotel companies are giving feedback on the interest of having a hotel on-site, and what size they think it should be.

Jeff Sacks stated that hotel companies are interested in the project, and that the size will be restricted by what can fit the site. He mentioned an 800-room hotel could be a possibility, but anything larger will be difficult to achieve.

City Manager Morales mentioned that the building's parking requirement, and height restriction need looking into, because these two factors will greatly affect the building structure, and capacity.

Commissioner Wolfson said he would not move forward with the project until the traffic report is done. He would approve the project, so long as the traffic impact is minimal, or at least reasonable. Plenty of projects can be done in the City, but traffic is a major problem. He would support this project if there were trains going to the Convention Center.

**9:23:14 a.m.**

R9E Report From Miami-Dade County Public Schools On The Status Of The Action Plan Related To Nautilus Middle School And Progress To Date.  
(Organization Development Performance Initiatives)

**ACTION:** Report given. Item referred. Motion made by Commissioner Weithorn to move to the NCAC for quarterly reviews; seconded by Commissioner Tobin Voice vote: 6-0: Absent Commissioner Wolfson. Vania Pedraja to place on the committee agenda. **Dr. Leslie Rosenfeld to handle.**

**REFERRAL:**

Neighborhood/Community Affairs Committee

Mayor Levine recognized Dr. Karp.

Iraida Mendez Cartaya, Associate Superintendent for Office of Intergovernmental Affairs Grants Administration, introduced: Dr. Martin Karp, School Board Member representing Miami Beach; Vivian Santiesteban-Pardo, North Region Superintendent; Sally Alayon, Administrative Director of North Region Center; Lubby Navarro, Executive Director Intergovernmental Affairs and Grants Administration; Lisette Rodriguez, Executive Director Advanced Academics, and Renée Ilhardt Supervisor of Advanced Academics.

Mr. Rene Bellmas, Principal of Nautilus Middle School, gave an update on the School's progress. They identified areas in need of improvement. They are trying to develop opportunities for paid internships for students, and matching teacher strength with student needs. Teachers who are not successful will be replaced with others with a good record. Mr. Bellmas thanked the Commissioners for the cooperation of Miami Beach Police Officers who help with team clubs after hours, assist by coaching various sports teams and supervise hallways, crosswalks and the cafeteria.

Commissioner Tobin brought statistics and facts comparing Nautilus Middle School to the County Middle School average. Many of the statistics showed a sharp contrast with the County data. Although the data is far from ideal, the Commissioner did say the recent meeting he had regarding Nautilus Middle School was positive.

Commissioner Malakoff stated when they were presented the roadmap to make Nautilus one of the best middle schools, that presentation was approximately 6 months ago. She agrees that the figures do not look good, but the new work, technology, and training, all need time to develop. She mentioned Miami Beach residents agreeing that the School is improving, but much more needs to be done.

Commissioner Weithorn agrees that Commissioner Tobin is right, but this item should be sent to the Neighborhoods Committee, and looked into greater detail.

Discussion held.

Mayor Levine acknowledged Commissioner Tobin's efforts in focusing on this School, and he believes the improvements are only starting.

Handout and Reference Materials:

1. School Climate Survey Report for the 2013-14 Administration Parent Form.

**9:40:03 a.m.**

R9F Discussion Regarding Committee For Quality Education Motions Made February And March 2014 Regarding Extended Foreign Language (EFL) Program In Miami-Dade Public Schools.

(Requested by Commissioner Edward L. Tobin)

(Continued from September 10, 2014 - R9F)

**ACTION:** Discussion held. **Dr. Leslie Rosenfeld to handle.**

Ms. Mendez Cartaya met with the City Manager to discuss the need for professional management for our teachers. She looked into where the highest parental demand for students to participate in the Extended Foreign Language (EFL) program and these were Biscayne, and Fienberg-Fisher Elementary Schools. She found that approximately 23 teachers would be interested in receiving additional professional help to offer Spanish. The proposal she presented the City Manager would provide five days of professional development in two-hour sessions. One hour paid by the District, one would be paid by the City, as well as a three-day summer institute offering for those 23 teachers. The approximate cost is \$14,616. She and the City Manager will continue the conversation.

R9G Presentation Of The Storm Ready Certification To Our City From The National Weather Service.  
(Emergency Management)

**ACTION:** Item withdrawn.

**11:05:49 a.m.**

R9H Discussion Regarding The Mid-Beach Trolley System.

(Requested by Mayor Philip Levine)

**ACTION:** Discussion held. **Jose Gonzalez to handle.**

Mayor Levine introduced the item. He is interested in a trolley network that can connect North, Mid and South Beach adequately.



City Manager Morales stated that the North Beach trolley will be ready next week, and the Mid-Beach trolley system will take approximately two years of planning and studying, but it is in development.

Commissioner Tobin expressed concern over the \$4 million cost for the complete trolley system, and asked the Commission to stay vigilant and analyze data to make sure the service is being used.

City Manager Morales stated they are having productive talks at the moment with the County about taking over the South Beach Local, but he does realize that it is a significant financial commitment that requires planning and grant applications. He mentioned the City recently received \$1.2 million over three years for the North Beach Trolley

**1:09:47 p.m.**

**Announcement:**

Rafael E. Granado, City Clerk, announced the Committee of the Whole listed below.

- R9I The Committee Of The Whole Will Meet On October 22, 2014 In The City Manager's Office Large Conference Room To Discuss The 2015 City Commission Meeting Dates.  
(Office of the City Clerk)

**ACTION:** Announced and held. Bring back Resolution with the 2015 City Commission meeting dates to the November 19, 2014 Commission meeting. **Rafael E. Granado to handle.**

The Committee of the Whole was called to order at 1:20 p.m. Mayor Levine and all members of the City Commission were present.

After a brief discussion of the Mayor and Commissioners' availability, a consensus was reached on the 2015 City Commission meeting dates. A Resolution accepting the following 2015 City Commission Meeting Dates will be brought forth at the November 19, 2014 Commission meeting:

**Commission Meetings**

January 14 (Wednesday)  
February 11 (Wednesday)  
March 11 (Wednesday)  
April 15 (Wednesday)  
May 6 (Wednesday)  
June 10 (Wednesday)  
July 8 (Wednesday)

***August - City Commission in recess***

September 9 (Wednesday)  
October 14 (Wednesday)  
November 9\* (Monday)  
December 9 (Wednesday)

**Alternate (Presentation) Meetings**

January 27 (Tuesday)  
February 25 (Wednesday)  
March 18 (Wednesday)  
April 29 (Wednesday)  
May 20 (Wednesday)  
None  
July 29 (Wednesday)

(September TBA) 2<sup>nd</sup> Reading of Budget  
October 28 (Wednesday)  
November 23\* (Monday)  
December 16 (Thursday)

\* Meeting(s) for election related items only.

**11:07:18 a.m.**

R9J Discussion Regarding The Civil Forfeiture Policy Of The City Of Miami Beach.  
(Requested by Commissioner Jonah Wolfson)

**ACTION:** Discussion held. Item referred to the Neighborhood/Community Affairs Committee (NCAC). Motion made by Commissioner Wolfson to refer the item to the NCAC; seconded by Commissioner Steinberg: voice vote 7-0. Vania Pedraja to place on the Committee Agenda.  
**Office of the City Attorney and Chief Oates to handle.**

**REFERRAL:**

Neighborhood/Community Affairs Committee (NCAC)

Commissioner Wolfson introduced the item, and asked to discuss how aggressive the City is on the issue of forfeitures. There have been examples in the news in which forfeitures have been overreaching. For instance, if the Police see cash in a car they can take it with little to no articulate explanation, which is unfair unless there is an obvious reason for the taking. What Commissioner Wolfson wants is for the Police to be certain when they seize money that the money is actually being used in a drug transaction, not to assume it is.

Vice-Mayor Grieco stated that it is not only money being seized, there are attempts to forfeit people's homes because a family member was selling marijuana from their bedroom. He believes it is good that the Commission is talking about this issue openly.

Police Chief Oates stated that he is relatively new to the City, but he has looked at this issue because it was raised. He reassured the Commission that the Miami Beach Police Department does not do highway interdictions. The Washington Post story that was forwarded to his Department was largely about highway interdiction type stops and seizures. Nearly all of the substantive seizures are because of work with Federal Task Forces that work with strict guidelines. Everything his Department does on the local level is run through the Office of the City Attorney, including the appropriateness of forfeitures.

Commissioner Wolfson stated the Police Department might seize currency that was used, attempted to be used, or intended to be used in violation of any provision of Florida Statutes Chapter 893. The part that he disagrees with is "whether or not" the use can be traced to a specific narcotics transaction, he would prefer this section to be taken out, he does not believe it to be fair.

Aleksandr Boksner, First Assistant City Attorney, said the operative language that Commissioner Wolfson is referring to is actually statutory language found in the law.

Discussion held.

Police Chief Oates stated he is still getting acquainted with Florida Statutes, but given his experience, he believes there are many safeguards in place to protect people from unlawful seizures. This City is very aggressive about having legal reviews. The Police Department will seize property when they think it may be connected to a crime, but they apply the safeguards to conduct an investigation after the seizure. He does not believe it would be productive to restrict an Officer's ability to seize questionable property during the earliest stages of an encounter.

Commissioner Wolfson said he would like to refer the item the Neighborhood Committee, and encouraged his colleagues not to be afraid of tying the Police's hands a little when it comes to them taking property rights, because it could be happen to anyone without reason.

Commissioner Steinberg asked Police Chief Oates whether he has done any of these forfeitures, and how often this issue comes up.

Police Chief Oates said he has been doing forfeitures for approximately five years, and all have been connected with narcotic activities inside vehicles and homes. They have procedures to link money, or whatever other property to the narcotic activities, but it needs to be established by a standard of proof, of course, which he always reviews and makes a determination at the outset.

**12:58:51 p.m.**

**SUPPLEMENTAL MATERIAL 4 – Election Voter Guide:**

R9K Discussion Regarding The Miami Beach Voter Guide That Was Distributed In August 2014.  
(Requested by Commissioner Jonah Wolfson)

**ACTION:** Discussion held.

Commissioner Wolfson disapproves of the City's Voter Guide, because he believes it is not possible to write the guide without influencing the readers to vote one way or another.

Vice-Mayor Grieco agreed with Commissioner Wolfson that wording can lead people to mistaken conclusions, and further asked under which Ordinance the City is required to provide a Voter's Guide, because he believes it should be discontinued.

Commissioner Wolfson read a portion of the Voter's Guide that used the word "outdated." He believes using such a word would negatively characterize the item being voted on, and people would likely vote against it.

Commissioner Steinberg said she approves of having a pamphlet to help voters make informed decisions, but perhaps it should be reviewed for less subjective language before being distributed.

City Attorney Raul J. Aguila stated there is no Statute or Code section requiring the City to provide a Voter's Guide, but the City has historically provided a Voter's Guide when dealing with technical language the average voter would not be acquainted with, and these Voter's Guides explain in plain English the items being voted on.

Discussion held.

Commissioner Weithorn believes explaining the items being voted on in plain English to voters is important. If the City stopped providing Voter's Guides, voters who are unsure of certain items would most likely be influenced by bloggers, and opinion websites, which is where the majority of Miami Beach residents get their news.

Handout or Reference Materials:

1. Copy of Election 2014 Voter's Guide

- R9L Discussion Regarding A Request For Vacation Of A City Right-Of-Way, Located At The Westerly End Of West 59<sup>th</sup> Street, To Ambassa Holdings, Inc. C/O Christian Berdoure, In Exchange For Public Access And A Utility Easement Over The Southerly Portion Of The Adjacent Lot 25 To The Waters' Edge.

(Public Works)

**ACTION:** Item withdrawn.

**2:58:43 p.m.**

- R9M Discussion On The Beautification Of The Alton Road Flyover Bridge At The Eastern End Of I-395.  
(Requested by Commissioner Joy Malakoff)

**ACTION:** Discussion held. Item referred to Neighborhood/Community Affairs Committee. Motion made by Vice-Mayor Grieco; seconded by Commissioner Malakoff. Voice vote; 7-0. **Eric Carpenter and Thomas Mooney to handle.**

**REFERRAL:**

Neighborhood/Community Affairs Committee.

Commissioner Malakoff expressed her displeasure with the Alton Road Flyover Bridge's appearance. She recalled the Flyover Bridge that used to be on 63<sup>rd</sup> Street that the City had painted to make it look more appealing. She hopes the City can do the same with the Alton Road Flyover Bridge.

Eric Carpenter, Public Works Director, met with representatives from FDOT, and they will paint the bridge if requested, but they need guidance as to what they should paint, or if they should work with a particular artist.

Commissioner Weithorn stated that the City should reach out to the FIU Department of Architecture, which is located in Miami Beach, and use them as a resource, or even have students compete for a painting design.

Discussion held.

Mayor Levine mentioned that Michael Bloomberg has a competition for public art installment that will provide \$1 million to the winner, but the deadline to apply is December 15, 2014.

**3:04:47 p.m.**

- R9N Discussion Regarding Establishing A System For Authorizing Road Or Lane Closures In The City Of Miami Beach.

(Requested by Vice-Mayor Michael Grieco)

**ACTION:** Approved by acclamation. **Mark Taxis to handle.**

Vice-Mayor Grieco stated that traffic is a serious issue in Miami Beach, and it can get worse when lanes are closed, or when traffic is diverted elsewhere. He asked the City Commission to make the City Manager responsible for all road closures.

City Manager Morales stated that he must approve all privately initiated road closures; however, when the City initiates the road closures he does not pre-approve those.

Commissioner Weithorn mentioned the problem is often with those who do not ask, rather than those who do ask. Plenty needs to be done about compliance.

Commissioner Steinberg asked whether something could be done about not blocking lanes during morning or afternoon rush hours.

By acclamation, the Commission directed the City Manager to review and approve all road closure, including those initiated by the City. Only exception would be emergency road closures.

**3:07:49 p.m.**

R90 Discussion Regarding Requiring That Proposed Ordinances Or Ordinance Amendments Be Sponsored By At Least One Member Of The Commission.  
(Requested by Vice-Mayor Michael Grieco)

**ACTION:** Discussion held. **Office of the City Manager to identify an individual Commissioner or Commissioners to sponsor Ordinances.**

Vice-Mayor Grieco stated that it is important to follow Commissioner Wolfson's Ordinance requiring that all Ordinances be sponsored by a Commissioner, as it is done in most legislative bodies. However, most of our proposed Ordinances have no Commissioner sponsoring it. Vice-Mayor Grieco had a conversation with the City Attorney and the City Manager because no one is taking responsibility for what is being put on as proposed legislation.

Commissioner Malakoff said that City Committees and the Commission could sponsor Ordinances.

Vice-Mayor Grieco disagrees, because the Ordinance reads, "Ordinances *shall* be sponsored by a member of the City Commission." [Emphasis added.]

Commissioner Wolfson stated the Ordinance's intent was 100% transparency, because they would then have someone's name on proposed legislation. City staffers can propose Resolutions, and bring up ideas, but as far as Ordinances, Commissioner Wolfson thinks it is a good policy and good government to have a member of the City Commission sponsor it.

City Manager Morales clarified that in every instance on the agenda today where there is not a name of a Commissioner, it was either at the direction of one of the four Committees or the Commission itself. For example, the definition of "motion picture theater" was actually added by vote of the Commission, and that is why the Administration did not necessarily go out and solicit a Commissioner to sponsor it. Manager Morales added that they often seek out sponsors; for example, Commissioner Weithorn is usually the person who sponsors our labor items. City Manager Morales stated that his Administration has no problem obtaining a sponsor. His only misunderstanding was that he figured that if the Commission or a Commission Committee sponsored it was fine. Nevertheless, we have no problem identifying Commissioners and asking them to sponsor items. **Office of the City Manager to handle.**

Commissioner Weithorn pointed out that in the past we had things sponsored by former Commissioners, which had moved down the path as they hit the Planning Board or hit somewhere else. When the item came back to the full Commission, they did not necessarily have a sponsor. She is not sure they would have had a sponsor, but because we had legislation in progress, they had to keep going. Commissioner Weithorn thinks that somehow we have to figure out how to reconcile that. The Wolfson Ordinance may need to be amended to include such a scenario as an exception, because we have to take actions to get rid of them if we no longer want it, but they had to be there. This is a technicality that was missed. Commissioner Weithorn asked for someone in the Office of the City Attorney to look at this. **Office of the City Attorney to handle.**

City Manager Morales added that when there are referrals from past Commissioners, the Administration does ask each Committee to determine whether they want to continue to consider it.

**3:12:34 p.m.**

R9P Discussion And Referral To The Neighborhood/Community Affairs Committee Regarding The Purdy Boat Ramp, Establishing Rules, Regulations And Dock Master Position.  
(Requested by Vice-Mayor Michael Grieco)

**ACTION:** Discussion held. Item referred to Neighborhood/Community Affairs Committee. Motion made by Vice-Mayor Grieco; seconded by Commissioner Weithorn; Voice vote: 7-0. Vania Pedraja to place on the committee agenda. **John Rebar to handle.**

**REFERRAL:**

Neighborhood/Community Affairs Committee.

**RECOMMENDATIONS:**

- Create the proposed job description for the Dock Master Position.
- Develop proposed enforcement rules and safety measures.
- Obtain the fee structures for commercial and nonresidential use of marinas/boat ramps in the area.

Vice-Mayor Grieco introduced the item. He has been advised that the City has one of the very few boat ramps in the County that does not charge, or have a Dock Master. Sunset Harbor's Purdy dock Ramp is chaotic, and dangerous. He proposes a Boat Master Position, similar to that of Haulover Park, so that if you are a Miami Beach resident, you get preference over non-residents and commercial operations. A fee structure will also be created for non-residents and commercial operations, and that will fund the Dock Master Position.

Eve Boutsis, Deputy City Attorney, explained that by creating the Dock Master position, they are allowing the enforcement of rules, and safety measures.

Hernan Cardeno, Code Enforcement Director, stated that for the referral to the Neighborhood/Community Affairs Committee his office will gather what the area marinas are charging for residential use or non-residential use.

Mayor Levine agreed that it is a great idea. Currently, the boat ramp is a free-for-all, and many people end up being injured.



**3:14:56 p.m.**

R9Q Discussion Regarding The Letter From CWA President McKinnon Requesting That The Outsourcing Of Property Maintenance Be Halted And Referred To The November Finance & Citywide Projects Committee Meeting For Discussion.

(Requested by Commissioner Jonah Wolfson)

**ACTION:** Discussion held. **Eric Carpenter to handle.**

Commissioner Wolfson introduced the item. Members of the CWA have contacted him over the outsourcing of Property Maintenance jobs, and requested to discuss this with the Commission, and he believes it is in the City's best interest to hear their complaint.

Richard McKinnon, CWA President, expressed his concerns that half of the jobs from Property Management are being outsourced without adequate dialogue or bargaining. Such dialogue is in the best interest of the City.

City Manager Morales stated that from the moment he accepted his job, he received several complaints about the effectiveness and speed in which Property Management maintained City buildings and properties. He met with his team and discussed the issue, to which they concluded that the system was not working. At no point did he or his team say the problem was bad employees. They determined that flexibility was what was needed, and could be achieved by having an employee base that controls the facility mixed with outsourcing. The way we are paying for it was by eliminating 21 positions in Property Maintenance, of which 18 or 19 were filled, but they decided to make a commitment to those employees to find them a new job at the same pay, plus the 3% COLA that had been promised.

Richard McKinnon stated what the employees are complaining about is the act of entering into contracts so that jobs can be outsourced, and then eliminating 21 positions.

Mayor Levine stated that he is trying to figure out what the problem is, because the City Manager said this action would create greater efficiencies and deliver better service to our residents, and instead of firing 21 employees, he found them new positions, guaranteeing them their current salary.

Discussion held.

Commissioner Wolfson stated that he believes the problem is that by eliminating 21 people from their unit, their bargaining power is weakened.

Richard McKinnon asked for more scrutiny regarding the City Manager's decisions.

Mayor Levine expressed his full support for City Manager Morales, and stated his test will be the results provided.

In response to a question posed by Commissioner Steinberg, Mayor Levine stated going forward they will look at this, but he does not think that we should be going back and relooking at decisions that were made.

Manager Morales stated that the Administration would continue to evaluate how this program works. Mr. Morales added that the Administration has not moved the employees yet, because they are still impact bargaining. When the Administration makes that move, the private contracts

are in place

Commissioner Wolfson asked whether the City had to bargain at this point with the CWA.

City Manager Morales said because they committed the 3% COLA, October 1 was going to be the day the City made the move, but because the CWA demanded the impact before then, the City is waiting for the second session of impact bargaining to occur in order to follow the correct procedure.

Commissioner Malakoff inquired if these employees had received the 3% COLA, and the City Manager responded that they had.

Commissioner Tobin complimented Mr. McKinnon for the great job he does for his members and for the City. What the City Manager is saying is that the model of having parts and having the employees do these repairs was not working. Sometimes we did not have enough employees and sometimes we had too many employees. Commissioner Tobin explained that the question is of whether we are going to go backwards, and he does want to go backwards. Commissioner Tobin stated that Mr. McKinnon has proven himself to be very smart and have many great ideas for how the City runs things. However, what Commissioner Tobin was told is that this model was not working.

Mr. McKinnon stated that he appreciates that the Mayor and Commissioners listened to what he had to say, and he looks forward to working with the City Manager.

**3:32:22 p.m.**

R9R Discussion Regarding The Former Administration's Failure To Collect Parking Impact Fees; An Update On How This Occurred; And New Policies And Procedures For Future Revenue Collection.

(Requested by Commissioner Edward L. Tobin)

**ACTION:** Discussion held. **James Sutter to handle.**

Commissioner Tobin discussed the former Administration's failure to collect parking impact fees. There were so many scandals under the Jorge Gonzalez Administration, and every time he or other Commissioners asked for details, they were never given any. There were tens of millions of dollars of parking fees that were not collected. The Internal Auditor had identified that the fees were not being collected, but it took 12 or 14 years for the Commission to realize this fact. He would like information as to why this happened, and how it can be avoided in the future.

Commissioner Weithorn stated that on October 23, 2014, the Audit Committee will reconvene, the next task is to choose an auditor, but the Audit Committee will continue to meet; she will actually sit on the Audit Committee to get it going; thereafter, she will appoint a replacement member. In her opinion, one of the things that the Audit Committee should and will be doing is reviewing these audit reports. Commissioner Weithorn stated that she is going to recommend that the Audit Committee obtain the reports for the last two or three years, and review them. Commissioner Weithorn encouraged Commissioner Tobin to come to the meetings; and they will report back to Finance. **James Sutter to handle.**

Commissioner Tobin responded that he would be there.

**9:43:32 a.m.**

R9S Discussion Regarding The Committee Of Quality Education Motion Made September 23, 2014, Regarding Nurse Staffed Health Suites In Miami Beach Public Schools.  
(Requested by Commissioner Edward L. Tobin)

**ACTION:** Discussion held. **Dr. Leslie Rosenfeld to handle.**

Commissioner Tobin introduced the item stating that the item addresses the concern for the quality of school nurses in Miami Beach.

Karen Rivo, Healthcare Taskforce Chair, stated that five schools are funded by the Trust (Children's Trust) dollars. The Taskforce she chairs was created because three schools did not have healthcare, and so they have been able to pull together through multiple means to provide school healthcare in all eight schools. The model is changing, and it will reduce the number of schools in the County, which will be more expensive. Therefore, they need to stay vigilant about what that means to Miami Beach. She had a meeting on Monday and the School System is still waiting on a follow-up from the Children's Trust. Part of the motion Commissioner Steinberg made was for the City Commission to encourage the Trust and the School System to consider us (Miami Beach) as one of the six centers. If that happens, it will provide healthcare not only to the children, but to the families as well. (See item C7D.)

Iraida Mendez-Cartaya, Associate Superintendent for Office of Intergovernmental Affairs Grants Administration, stated the School District would make the recommendation to the Children's Trust to have one of their centers in Miami Beach.

**9:59:16 a.m.**

R9T Discussion Regarding Middle Flamingo Drive Street Repair.  
(Requested by Commissioner Edward L. Tobin)

**ACTION:** Discussion held. **David Martinez to handle.**

Commissioner Tobin stated that they did improvements on lower Flamingo Drive, and they did improvements on the north part of Flamingo Drive, but the middle has not really gotten its due yet. Commissioner Tobin believes that they were going to fix the middle section of Flamingo Drive if there were funds leftover. However, Commissioner Tobin believes that middle Flamingo Drive ought to be fixed and improved, just as well as south and north Flamingo Drive. If David Martinez, CIP Director, does not have the funds or does not have the direction, they may wish to direct him that instead of using leftover funds from north or south Flamingo Drive, CIP should just access whatever funds they need to give middle Flamingo Drive their proper improvement.

David Martinez, CIP Director, stated that several weeks ago he met with several residents of the Flamingo Drive neighborhood, and they are referring to the area that is just north of Lake Pancoast and south of 28th Street. The area did get new paving. However, what it did not get were curbs and gutters.

Commissioner Tobin stated that CIP did a great job at the meeting. However, Mr. Martinez was not clear where the funding was going to come from.

Mr. Martinez replied that he has identified sufficient funding to replace the curb and gutter on both sides of the street in the general area. However, it is his understanding that drainage was adequate and that the water lines were redone, so he believes this is the remaining piece, and the City is going to be proceeding with curbs and gutters in the next two or three months.

Residents Nelson Gonzalez and Larry Cohen spoke.

Mayor Levine inquired as to the project's status. Mr. Martinez responded that the issue with 26th Street was that in the original Central Bay Shore and Lake Pancoast Drive project it was only going to be receiving milling and resurfacing because the drainage was adequate at the time. When the City commenced the project there were issues with the drainage. The pipes were allowing silt to get into the pipes so Public Works decided that the City needed to restore that drainage. Public Works prepared since then a set of drawings and Mr. Martinez believes Procurement has the package for 26th Street, to complete the drainage and repave 26<sup>th</sup> Street to Flamingo Drive. Mr. Martinez speculated that it might even be out to bid already or very close to it.

Mayor Levine asked Mr. Martinez to get back to Nelson Gonzalez and Larry Cohen with the timeframe when this portion of the project would be complete. **David Martinez to handle.**

Commissioner Tobin added that there is an item on the agenda, the Women's Club, across the street from the Hebrew Academy, where there is a request to make the Women's Club some kind of restaurant and/or café, an event hall – a place of assembly; Commissioner Tobin called the Hebrew Academy and they were not aware of it. Commissioner Tobin stated that the neighbors of Flamingo Drive were not consulted either. (See discussion with item R5D.)

Mr. Nelson Gonzalez stated that everybody in the Flamingo Drive neighborhood, from north all the way to south, is opposed to an event hall or anything like that, in the area. An event Hall would generate more traffic in an already congested neighborhood. (See discussion with item R5D.)

Discussion held.

Larry Cohen stated that the City has many customer friendly employees that are wonderful and helpful.

#### **ADDENDUM MATERIAL 1:**

**12:26:35 a.m.**

R9U Discussion Regarding Ebola Preparedness Plan, Curriculum And Police & Firefighter Training.  
(Requested By Commissioner Edward L. Tobin)

**ACTION:** Discussion held.

Charles Tear, Emergency Management Director, explained the item and gave a PowerPoint presentation. Click [here](#) to view. Mr. Tear explained that Commissioner Tobin had requested a report on the City's state of readiness as it relates to a possible pandemic. Mr. Tear, Fire Chief Fernandez and Chief of Police Oates have been working together to ensure the City's state of readiness.

Mr. Tear reported that the City has already put some things in place. The biggest of which is that the City coordinates its information. Under the Public Safety Communications Unit, they have already instituted prescreening, they have started the work of initial assessments with the first responders and they have been collaborating with the hospitals, Health Department and State and local agencies. Our target audience is our City employees, which we must prepare. We have to do base level training for our City employees and advanced level training for our responders. We are looking at rolling out advanced training for specialty teams, such as the exercise with Mount Sinai Medical Center that will be occurring on November 6, 2014. We are communicating through the PSCU Unit; we also have brought on some new notification software. Our challenge is to determine who needs what level of training. We are looking at across the board over the next six to eight months, and we are trying to get a base level of awareness and a base level PPE (Personal Protective Equipment) for all City employees, and that includes Code Enforcement, Sanitation and Housing/Community Development personnel; very base level for them, more from an awareness perspective not from a response perspective. They are looking at advanced training for first responders, which would be Fire and Police personnel, so when we have a situation or multiple situations we can handle them simultaneously.

Mr. Tear added that at the base level personnel we are looking at things like gloves, base level mask, eye protection, on a case-by-case as needed basis. For Code and personnel in contact with the public, he will ensure that they felt safe and they have the base level of protection. Not an advanced level where they are putting protective suits, but gloves and eye protection for the base level response.

Mr. Tear explained that in the area of response teams, the Fire personnel are much more advanced as it comes to personal protection such as putting on suits; were we run into a risk is right now we have 410 Police Officers with no respiratory protection. We have to start engaging more our security forces and making sure that they have the same levels of protection and enhancing those levels.

Mr. Tear added that the City has some level of decontamination readiness. When you have an exposure, the biggest thing that you have to do is immediately decontamination or isolation of affected person. The City needs to enhance the capability in that area. Mr. Tear stated the role for Fire is to respond to the scene, do initial assessment and when they respond, normally a Police Officer or someone else from the City has already come into contact with the impacted person or the exposure. What we are trying to do is make it to where we slow down the process and stop any further contamination or exposure.

Mr. Tear commented that with Police our biggest area of concern is that you have Police Officers that do not have the level of protection they should have, as their roles are defined and as they could be exposed, we are looking at respiratory protection, basic PPE at a level C.

Chief of Police Oates stated that his Department is not properly equipped to protect the Officers in this regards, and that is one of the biggest concerns. We are a bit behind; we are fine on training and they are giving advanced training in the next two weeks. However, in in terms of personal protective gear there is a need.

Mr. Tear commented that as far as the Emergency Management Office, they are adequately staffed; they are moving forward and prepared to respond. His Office is not looking at building hazmat team capabilities, but at least they need to have an alpha/bravo team that is ready to respond with 17 to 18 personnel from different departments. This team should be able to secure scenes, do advance level decontamination and work as a strike force, a group of people who go

out there and get it done, take care of business and then if we need additional tools or assistance later we will do that, but we do not want to be dependent on the State or Federal government, or anyone else for that matter. The City must have a base level capability to hold on for several hours.

Mr. Tears stated that what he is asking for today is about \$300,000, which would be on top of the regular budget. This will give all of the masks, all the levels of protection, as well as train the trainer class for our personnel so we can stay up on the skills and continue to move forward.

City Manager Morales stated that the Administration would bring back the detailed proposal with a budget analysis. **Charles “Chuck” Tear and John Woodruff to handle.**

Mayor Levine stated that Mr. Tear, Fire Chief Fernandez and Chief of Police Oates did a great job with the big scare the City recently had. Mayor Levine has been informed that our proposed new lobbyist has alerted the City that there is \$7 million of Federal funding that has been reallocated to Florida, specifically for Ebola. Therefore, we ought to try to get a portion of that money.

Mr. Tear responded that they have already spoken to Judy Hoanshelt, Grants Manager, and John Woodruff, Budget Director, on this matter. The funds that are coming through eCivis right now is for hospitals, but Mr. Tear figures that by the time the City gets done with the first phase and all of the initial training that it will be ready for the advanced suits at that time. **Charles “Chuck” Tear, Judy Hoanshelt and John Woodruff to research and apply for possible grants for emergency preparedness.**

Mayor Levine inquired of the City Manager what is it that we need to do today.

City Manager Morales stated that what was presented today was not in the right format for the budget, as we have to do a budget amendment. City Manager Morales added that as long as the Commission is comfortable with the direction the Administration is going in, they will come back with proposals based on this plan. **Charles “Chuck” Tear and John Woodruff to handle.**

Mayor Levine inquired as to the timetable.

Mr. Tear responded that they are starting the process already. The next thing it will be buying the gear; the initial cost is considerable.

Mayor Levine stated that the virus is not waiting. Are we going to do this now, or are we going to wait?

City Manager Morales stated that: 1) there is no line item in the budget for this; we have to go through that process; and 2) we have to look at the procurement perspective as well. The plan is to come back in November with action items for the Commission to consider. **Charles “Chuck” Tear, Chief Oates, Chief Fernandez, John Woodruff and Alex Denis to handle.**

Mayor Levine stated that this seems like it is one of those things that we must do fast, you are not supposed to wait.

Discussion continued as to the proper budgeting process.



Mayor Levine inquired if the Manager had no emergency powers to do this. Mayor Levine stated that he is just asking these questions because he does not want the City to be caught were we have had this conversation, we know we have a situation, and we go through a bureaucratic waiting process.

Chief of Police Oates stated that we have a very well equipped Fire Department that is fully capable of handling these issues. The Police Department is a little short on equipment, but they are going to train the Police Officers to cope in the absence of that equipment and be guided by the Fire Department's instructions. Chief Oates commented that they are two very strong Departments; they can cope with whatever comes at them.

Fire Chief Fernandez stated that this is not the first type of virus that we deal with. We have dealt with H1N1, anthrax and MRSA. In response to Mayor Levine's questions, he responded that the Fire Department is very comfortable with the process.

Mayor Levine commented that he just wants to make sure he City has what it needs; he does not want to hear that we should have done something on an emergency basis.

Commissioner Tobin agreed. What Commissioner Tobin gathered from the presentation is that perhaps we were a little short on things, and what Commissioner Tobin got from Chief Fernandez is that the Fire Department is very well equipped to handle an emergency and keep us safe for several hours, or however long it takes to get backup from Federal agencies. Fire Chief Fernandez agreed with Commissioner Tobin's assessment.

Commissioner Tobin requested that in the next 30 to 45 days for the City to conduct a mock drill. Mr. Tear responded that such a drill was already planned for November 6, 2014. They are using one of the City facilities; it will be a situation where someone comes in and exposes a City worker, and they will respond. The City will be working with Mount Sinai Medical Center.

Commissioner Weithorn suggested that Mr. Tear might want to call a couple of the medical schools in town to see if they would render assistance, the schools may provide students and staff, which would be helpful.

Commissioner Tobin asked the City Manager to stay on top of this issue.

City Manager Morales stated that in the next forty days, if the single most important issue is mask, the City may be able to do a quick procurement, as a subset of the larger overall budget.

**Charles "Chuck" Tear, John Woodruff and Alex Denis to handle.**

Commissioner Tobin asked that the Chief of Police work with the City Manager, and if there's anything the Chief of Police, the Fire Chief, or the Emergency Manager feels they need right away, let the Commission know. The City Manager has authority to spend up to \$50,000.

Mayor Levine stated that they should not be afraid to ask.

Chief of Police Oates commented that the particular challenge as far as gas mask is that they have to be individually fitted for each Officer, and you cannot buy off the shelf supply and hand them out in an emergency. The Chief of Police added that they would fix that.

Mr. Tear stated that it is a priority for the City to obtain respiratory protection for Police Officers. An additional priority is outfitting the small group that we are considering putting together, which should cost under \$50,000. We will build from that. We will put together the small strike group, we

will outfit them appropriately, and work with the Chief of Police to get the masks for Police Offices and move forward.

Mr. Tear stated that they would move the drill from November 6, 2014 to another date, since that is the date of the State of the City Address.

Mayor Levine thanked the Chiefs.

Handout and Reference Materials:

1. Proposal from Director Charles Tear, Emergency Management Department, Chief Virgil Fernandez, Fire Department, Chief Daniel Oates, Police Department, dated October 22, 2014, to Mayor Philip Levine and Members of the City Commission, RE: R9U – Discussion Regarding the City of Miami Beach Plan for Ebola Preparedness, Including Curriculum And Dates For Expedited Police And Firefighter Training.

**3:34:29 p.m.**

**ADDENDUM MATERIAL 2:**

- R9V Discussion Regarding Complimentary Use Of The Scott Rakow Youth Center's Fitness Center For Student Members Of The Miami Beach Senior High School's Students4Fitness Organization, On Saturdays And Sundays From 9:30 a.m. to 5 p.m.  
(Requested by Commissioner Micky Steinberg)

**ACTION:** Approved by Acclamation. **John Rebar to handle.**

Commissioner Steinberg introduced the item. There is currently a program that allows high school students to use the fitness center at the Scott Rakow Youth Center, free of charge, as an incentive for students to use the facility after school, between the hours of 3:00 p.m. and 6:00 p.m. This is a great opportunity for Miami Beach Senior High School students and teenagers. There is a club to incentivize students to take this initiative. It is called the Students for Fitness Organization, and she would like to allow member access to the Fitness Center on weekends.

Commissioner Tobin asked whether the students would be able to use the facility with adults, because adults use the Center throughout the weekends.

John Rebar, Parks and Recreation Director, explained that during the weekends, members of the Students for Fitness Club will use the Fitness Center with adults, but during the weekdays, from 3:00 p.m. to 6:00 p.m., no adults are allowed.

**3:37:08 p.m.**

**ADDENDUM MATERIAL 2:**

- R9W Discussion Related To The Beautification Of The Collins Canal Along Dade Boulevard.  
(Requested by Mayor Philip Levine)

**ACTION:** Discussion held. **Eric Carpenter to handle.**

Commissioner Malakoff stated that this item is in the Land Use and Development Committee, and something must be done.

Mayor Levine agreed.

**3:37:25 p.m.****ADDENDUM MATERIAL 2:**

R9X Discussion Related To Potential West Avenue Loading Zone(s) To Reduce Traffic Congestion.  
(Requested by Mayor Philip Levine)

**ACTION:** Discussion held. **Saul Frances to handle.**

Vice-Mayor Grieco stated that the traffic congestion problem on West Avenue is similar to the situation on Washington Avenue.

Saul Frances, Parking Department Director, said that they will look into the problem, but the existing loading zones are on the side streets, because of the Alton Road project. **Saul Frances to handle.**

Vice-Mayor Grieco stated the loading zones are adequate, but one of the biggest issues people complain about is the buses, especially in front of the Mondrian building, where some people have been moving furniture.

Mayor Levine asked Mr. Frances to look into this issue. **Saul Frances to handle.**

**3:39:07 p.m.****ADDENDUM MATERIAL 2:**

R9Y Discussion And Update On Ocean Drive Improvements And Possible Closure.  
(Requested by Commissioner Jonah Wolfson)

**ACTION:** Discussion held. **Joe Jimenez to handle.**

Commissioner Wolfson stated that there is an Ordinance that requires awnings on Ocean Drive to be removed, and asked why restaurants are not being fined for still having them.

Joe Jimenez, Assistant City Manager, stated that they are moving forward with the regulations of the Ordinance. So far this year, they have issued more violations on Ocean Drive than in the past two years combined.

Commissioner Wolfson asked what action is being taken to remove the large umbrellas that cover the entire sidewalks of Ocean Drive, and replace them with the single-post umbrellas that were used during the 1990s, as was agreed during the previous discussion of this item.

Joe Jimenez, Assistant City Manager, stated that there is nothing illegal about the size of the current umbrellas; the only thing illegal is that the umbrellas are clipped together, but whether the Code is enforced will make very little difference, because the appearance will be practically the same.

Commissioner Malakoff stated there needs to be a definition of how big the umbrellas can be. It is not correct for the City to force restaurants to remove their umbrellas leaving their customers exposed to the elements.

Discussion held.

Mayor Levine asked when this would be ready for approval.

Vice-Mayor Grieco stated the Historic Preservation Board is reviewing it, which will hopefully approve the renderings that are going to come through. Once they know what the structure of Ocean Drive will be, they can then tailor the amendments to the sidewalk café rules.

#### **ITEM MOVED TO C7U**

##### **ADDENDUM MATERIAL 2:**

R9Z Discuss And Direct The Administration To Issue RFP For The Use Of City Property For Telecommunications Equipment No Later Than November 28, 2014; The RFP Shall Include A Schedule Providing For Commission Approval Authorizing Negotiations With The Top Ranked Proposer At The First Commission Meeting In January 2015 And For Contract Negotiations To Be Completed No Later Than The First Commission Meeting In February 2015.

(Requested by Commissioner Jonah Wolfson)

**ACTION:** Item moved to C7U. See action with C7U.

**3:45:02 p.m.**

##### **ADDENDUM MATERIAL 3:**

R9AA Discussion Regarding Security Issues/Precautions At City Hall.

(Requested by Vice-Mayor Michael Grieco)

**ACTION:** Discussion held. **Charles “Chuck” Tear to handle.**

Vice-Mayor Grieco introduced the item. He stated that the current City Hall building is not very secure. He made a comparison with other buildings including the State Attorney's Office, where everyone must check in, provide a name, and state their business; where as in the Miami Beach City Hall there is nothing stopping people from wandering around the building. He is aware there are changes taking place to improve security, but he would like an update as to what is being done.

Charles Tear, Emergency Management Director, responded that they have broken down the security improvements into three phases. At the request of the Mayor, the process has been expedited. The team has enhanced the security cameras, added security guards, and is working on how to fund adequately the third phase. However, structural design changes will have to be made to City Hall; until then, the security upgrades cannot be implemented effectively. They are currently doing studies of people flow throughout the building, because they do not want to inconvenience the public for safety.

City Manager Morales said that this building unfortunately has the worst design in terms of security, due to the multiple access points, and the fact cars can literally drive through the building's open space. The buildings Vice-Mayor Grieco mentioned earlier, usually have a central entrance point to control access, and the public spaces are designed in a way that the public meeting areas are outside the secure spaces. At the Miami Beach City Hall, you would have to create security points that would create major backlogs. One solution instead of turning this building into Fort Knox would be to find an alternative building to move City Hall there. Otherwise, the changes that need to be made to the building will be approximately \$2 million, and may not be adequate in the end.

Mayor Levine thanked City Manager Morales, and asked that they should talk in more detail about this issue. **Charles Tear to handle.**

**R10 - City Attorney Reports**

R10A City Attorney's Status Report.

(City Attorney Office)

**ACTION:** Report given.

Reports and Informational Items

1. Reports And Informational Items (see LTC 349-2014)
2. List Of Projects Covered By The Cone Of Silence Ordinance - LTC.  
(Procurement)
3. Report From Commission Committees Of Withdrawn Items Not Heard Within (6) Six Months From  
Their Referral Date.  
(Office of the City Clerk)

**End of Regular Agenda**

Meeting adjourned at 4:12:49 p.m.